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ESSAYS

ON

SEVERAL SUBJECTS, &c.



[Price Two Shillings and Six-pence.]

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ESSAYS

ON

SEVERAL SUBJECTS;

VIZ,

- | | | |
|---|--|-------------------------------------|
| I. On the late ACT
to prevent CLAN-
DESTINE MARRI-
AGES. | | and DANGER of
contracting Debts. |
| II. On the GUILT | | III. On a PRISON. |
| | | IV. On the PRICE
of PROVISIONS. |

Οὐ γὰρ παννύχιον εὐδεῖν βεληφέρον ἄνδρα.

Homer,



L O N D O N :

Printed for the AUTHOR;

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M.DCC.LXIX.

ESSAYS

SEVERAL SUBJECTS

I. On the Nature of the Human Mind
II. On the Principles of Morality
III. On the History of the Human Race
IV. On the Causes of the French Revolution
V. On the Effects of the French Revolution



LONDON

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T H E
P R E F A C E.

THE Author of these Essays labour-
ed under many Disadvantages when
he composed them; he had for
some Years been deprived of the Use of his
right Side, and disabled from holding a Pen
by the Palsy, and he was in such a Situa-
tion, that it was extremely difficult to pro-
cure one to write for him, being frequently
obliged to employ one who could not spell
Words of three Letters; how much it must
damp the Spirit of an Author to be inter-
rupted in the Midst of his Thoughts by
Questions how to spell almost every other
Word, may easily be imagined by any one
who ever composed: However, with all their
Defects they are humbly offered to the Con-
sideration of the Public, in hopes that some
Hints may be suggested to those in Power,
how to remedy the Mischiefs there com-
plained of. That Clandestine Marriages
A should,

should, if possible, be prevented, is readily allowed, but that the Law made for that Purpose is utterly insufficient to answer that Design, and extremely iniquitous, I think is equally evident: The principal Offender is not punished at all, but may gratify his wicked dishonest Desires with Impunity, and a legal Sanction is given to Perjury, than which a greater Wound cannot be given to Society.

'Tis true, no Person hath a Right to contract or promise any Thing which he cannot in justice perform; how long a Child may be called the Property of a Father in this Respect will admit of great Dispute; it must however give a very bad Tinge to the Minds and Morals of young Persons, to teach them, when they first come abroad into the World, to violate a solemn Contract, or an Oath; when Persons come to Age of Maturity to consummate a Marriage, and they have actually consummated it, the Law of God seems to have set them free from parental Authority in that Respect, and to declare the Marriage indissoluble, *Genesis Chap. ii. Ver. 24. Therefore shall a Man leave his Father and Mother, and shall cleave unto his Wife, and they shall be one Flesh;*
and

The P R E F A C E. v

and for this obvious Reason among many others, when a Marriage is consummated, to dissolve that Marriage may essentially hurt an innocent Infant, deprive it of its Patrimony, and of the Care of one of its Parents.

When a Person of a full Age seduces a Minor to marry without the Consent of the Parents, it surely deserves the greatest Punishment, even Death itself: If the Parents are not willing that so severe a Punishment should be inflicted, yet such Restriction may be laid upon the Fortune of the Minor, as may in a great Measure disappoint the interested Views of the Seducer, without depriving the Posterity of the Fortune or Care of either of their Parents: If two Minors marry, the Match may be attended with many Inconveniencies, but it is better they should suffer for their Folly, than the Sacredness of an Oath should be lessened.

If a Clergyman should knowingly marry a Couple without the Consent of Parents, and one or both of them be under Age, he certainly commits a very great Crime and deserves a severe Punishment; and if he hath done it for any extraordinary Fee or Reward, then there should be a discretionary

Power in the Judge to heighten his Punishment in such a Manner, as to make him upon the Whole a great Sufferer by his transgressing the Law: No wise Legislature will ever suffer an Offender to gain by the Breach of the Laws.

The frequent Examples of Divorces shew the absolute Necessity there is of enforcing the Observance of a Marriage Vow, or severe Punishment upon every Kind of Violation of it; if this be not done we must sink into the lowest Degeneracy. Marriage is a State where every social Virtue must be planted and cultivated. If the Soil be bad, if the Root be Rottenness, all the Branches must grow up as Dust, Vice and Immorality of every Sort will more and more abound; Want of Oeconomy, Decay of natural Affection, and of every domestic Duty, will every where prevail; that Description which *St. Paul* gives of the *Romans*, the Justness of which is confirmed by the Historians of that Time, will be strictly applicable to us, with this dreadful Aggravation, that we sin against the clearest Knowledge of our Duty, and the strongest Obligations to the Practice of it.

He

The P R E F A C E. vii

He hath in the next Essay endeavoured to paint in the strongest Colours the Guilt and Danger of contracting Debts, which there is not Ability to pay; he may be thought by some too favourable to Debtors, and by others too severe. He doth not think that a Prison is the most proper Punishment for Debtors, being neither calculated to reform them of those Miscarriages, which were the Causes of contracting Debts, nor to enable them to give Satisfaction to their Creditors; he believes, that the Methods there proposed would be the most likely to enable them to pay their Creditors, to reclaim them from those Faults which have involved them in their Difficulties, and to preserve them useful Members to Society. On the other Hand, when Men have contracted Debts which they cannot pay, it is very reasonable to make some Difference between them, and those who never injured their Fellow-Citizens, to oblige them and their Families to be plain in their Dress, to exclude them from a Place in the Senate, or from acting as a Magistrate in any higher Degree than that of a Constable, and from a Right of voting in the Election of Members for Parliament,

liament, or for Magistrates; nay to continue those Restrictions upon their Children, if their Children have inherited any Fortune from them, cannot be thought cruel or unreasonable; these would be strong Incentives to induce them to pay their Debts as fast as possible, and a good Man would be glad to be free from Temptation, which may constrain him to act contrary to his Conscience. One cannot without Horror behold the wanton Cruelty with which some Creditors treat their unhappy Debtors, how implacable they are, how eager to increase the Debt by multiplying Law-charges, and utterly ruining their unhappy Families. Nor on the other Hand, can one without Indignation behold a Man riding in his Coach and six, who hath amassed a great Fortune by breaking, and paying, or perhaps only promising to pay a small Composition to his Creditors, secreting an ample Fortune for himself, rioting in all the Profusion of Extravagance and Luxury, while some of his unhappy Creditors are reduced to extreme Want and Misery by his Villainy.

If what is said of Mr. W. be thought a Digression, the Madness of the Times has
made

made it very natural : You have in him a strong Instance, how dangerous it is to admit Men of desperate Fortunes into the Senate ; what dreadful Lengths they will run to make themselves considerable, even so far as to endanger the kindling the Flames of a civil War, and the Ruin of their native Country.

That a Prison is the most proper Place for Felons till they are tried and Sentence passed, must be acknowledged ; but it is to be wished, that it was put under proper Regulations, and more Care taken of the Morals of the Prisoners, since, as it is managed now, it doth not tend to lessen the Number of Criminals, but to increase them, by corrupting the Morals of all that come into it, whether for Debt or Felony.

The Essay upon the Price of Provisions may seem wholly superfluous, both because so much hath been wrote about it already, and because the Price of Corn at least is very much fallen ; but however there are some Observations made of very great Consequence, which have escaped the Notice of others, and there is too great a Probability that it will rise again both from the Scarcity in
France,

France, and from the bad Seed Time in *England*, the excessive Quantity of Rain having prevented the Farmers from sowing many Thousands of Acres they designed to have sown, and the Price of Meat, Butter, and Cheese, still continues as dear as ever.

ESSAY

ESSAY I.

On the late ACT for preventing CLANDESTINE MARRIAGES.

*What therefore God hath joined together, let
not Man put asunder. MARK X. 9.*

*Felices ter & amplius
Quos irrupta tenet Copula. HOR.*

THAT Clandestine Marriages were very frequent before the ACT for preventing them, is undeniable; and that such Marriages ought to be prohibited, or in some Measure restrained, is equally so. I think Experience shews us, that the ACT made for that Purpose is by no means sufficient to answer the End designed. 'Tis the Duty of a Citizen to obey a Law, when enacted by Authority; but it is very consistent with that Duty to point out the Insufficiency of a Law, and to demonstrate the Injustice of it; provided he does this
B with

2 *On the late A c t for preventing*

with that Deference and Decency, which becomes a Person in a private Station to shew to the Legislature; and therefore, tho' I shall endeavour to demonstrate the Insufficiency, and ill Consequences of this Law, yet I hope I shall not be thought guilty of writing in any Manner inconsistent with the Duty I owe to legislative Authority.

And here give me Leave to observe, that the Time when the Banns are ordered to be published, is in a very improper Part of the Service, and tends to take off the Thoughts of the People from their Attention to publick Worship. Our Liturgy is contrived in such a Manner, that one Part naturally leads to, and assists another; from Exhortation we are led to Confession, and from that to the comfortable Assurance of Pardon to the sincere Penitent: This naturally inclines us to Praise and Thanksgiving; and from thence to hear the Word of God with Reverence and Attention; and to pray to God for what we want, with an humble Hope and Confidence in his Goodness: But by this Act, " All Banns of Matrimony shall
" be published in an audible Manner, in
" the Church, immediately after the second
" Lesson : " This takes off the Minds of the
People,

People, especially the younger Sort, from their Devotion ; they are apt to enquire who the Parties are, and do not recover themselves from this Dissipation, till after the first Part of the Service is finished. Something worse than this was enacted by a former Act in the Time of the Distemper among the Cattle, where an Act, longer than a Sermon, was ordered to be read in the same Place, relating to the killing, slaughtering, &c. of Cattle, more fit for a Butcher than a Clergyman ; and which manifestly took off the Attention of the Congregation from the rest of the Service : This Remark may seem trifling, but indeed nothing ought to be looked upon as trifling, which tends to disturb the publick Worship of God : And one may venture to say, that however well acquainted the Compilers of this Act were with the Spirit of the Laws, they were ignorant of, or not attentive to, the Spirit of the Gospel. By the Rubrick Banns were ordered formerly to be published immediately after the Communion Service ; after which, a Psalm was sung, and the Attention of the People would more easily be recalled, by their Curiosity to know the Subject of the Preacher's Discourse.

4 *On the late ACT for preventing*

In all Laws, those Punishments are the most proper, which are the most likely to prevent the Violation of those Laws; and where there are various Degrees of Offenders, that Offender ought to be punished the most severely, who is guilty of the greatest Offence. But in this Law, neither is the principal Offender most severely punished, nor is the Punishment such as is likely to prevent the Crime.

It is owned to be a very great Crime to seduce a Child, while under Age and the Direction of the Father. The Person then who seduces a Minor, is certainly the principal Offender, and they who are knowingly accessory to the Crime, may be said to be equally guilty. The Clergyman who marries them, is certainly guilty of a Breach of the Law, and deserves Punishment; but surely he is not the chief Delinquent, and ought not to be most severely punished: By the Law formerly, he was liable to three Years Suspension, which might be looked upon as an adequate Punishment for such an Offence: And upon Examination it will be found, that the parochial Clergy were very seldom guilty of this Offence, and
when

when they were, it for the most Part proceeded from Ignorance or Inadvertency.

————— *adfit*

*Regula, peccatis quæ pœnas irroget æquas;
Ne scutica dignum, horribili sectère flagello.*

In the Times of Popery, the Clergy were exempted from Punishment because they were Clergy ; which was surely very wrong : But is it not equally wrong, that they should be punished with the greatest Severity, when a greater Offender in the same Fact shall be punished very slightly, or not at all ? If a Clergyman is guilty of any thing contrary to this Act, “ he is to be deemed and adjudged “ to be guilty of Felony, and shall be transported to some of his Majesty’s Plantations “ in *America*, for the Space of fourteen “ Years, according to the Laws in Force for “ Transportation of Felons.”

Before this Act was made, a Clergyman was suspended for three Years who solemnized Marriage in any Manner contrary to the Canon ; this surely was Punishment sufficient for his Breach of the Law : But if it should be found that a Clergyman has taken Money for transgressing his Duty, his Punishment should be increased ; for all wise

6 *On the late Act for preventing*

Legislatures will take care, that no Man shall be a Gainer by breaking the Law, and make the Punishment much more dreadful, than the Reward is alluring : But when Persons solemnize Marriage in Prisons without Banns or Licence, what Punishment can be inflicted upon them? Suspended they cannot be, because they have no Cure; and they are already in Prison : If Transportation be the only Punishment that can be devised, the Time surely may be shortened, and as they are only guilty in the second Degree, their Punishment should be less than that of the capital Offender.

But what is the Punishment to be inflicted upon the Persons who are married? the Marriage is to be null and void, to all Intents and Purposes whatsoever : But this may happen to be no Punishment at all, but the very Thing which the principal Delinquent desires ; or it may happen to be very unjust, injurious to the Parties concerned, and a Breach of solemn Faith and Contract.

In all Cases of this Nature, the Parties married are either in what is thought to be Love, though very often in one of them it is more properly Lust ; or marry for the Sake of Interest : Where both of them are under Age,
it

it may sometimes be from a childish Folly, and Curiosity. Where one of the Parties is very young, and the other more than of Age, it may be supposed, that the elder Party is the Seducer; and this may happen to be either Party. I knew a Baronet, about fifteen Years of Age, drawn in to marry a Lady of about thirty, when he was at *Westminster* School: There can be no doubt, but that either the Lady, or her Friends, were the Seducers, and they therefore ought to have been punished; but whether such a Marriage ought to have been set aside, will be a Question to be considered hereafter. Generally speaking, however, the Men are the Offenders; and suppose one of them seduces a Girl, to gratify his Lust, he is not punished, but obtains by the Law the very Thing he wanted. This I have known many Times done; a poor innocent Girl debauched, her Character lost, and she ruined for Life. Is this the Effect of a wise Law? Supposing a young Lady is seduced, by the Hopes of obtaining a large Fortune, it is possible that her Affection may be sincere, and to separate them may make her unhappy for Life; by living together, and by her good Conduct, his lucrative Views may be changed into real

8 *On the late ACT for preventing*

Esteem, and conjugal Affection ; but if the Marriage is dissolved, and he suffers no Punishment, he is but where he was before.

Supposing the young Persons really love one another, is it not cruel to separate them, which may make them unhappy for their Lives? Let such Methods be taken as are thought most proper to secure the Fortune of the Lady, from being made a Prey to designing Villainy, or lavished away prodigally ; but to separate them, may be attended with very bad Consequences.

'Tis evident therefore, that the Punishments annexed to the Breach of this Law, are neither adequate to the Crime, nor sufficient for the Purpose. A Person that steals an Heiress, is punished with Death ; and why may not a Person, who runs away with a young Woman without the Consent of her Father, be punished in the same Manner? At least let the Father determine, whether the Marriage shall stand good, or the Man be punished. If Death is inflicted for the stealing of five Shillings, is it not much more reasonable to inflict that Punishment upon one who deprives a Parent of the Comfort of his Life?

Or

Or suppose a Father should not be so severe, as to insist upon the Sentence being executed, let it be in his Power to settle his Daughter's Fortune in such a Manner, as the Seducer may have as little Benefit from it, as is consistent with the Marriage State. These would be Punishments suitable to the Nature of the Crime, and which would effectually prevent Clandestine Marriages. Here, according to the present Law, the Crime is only punished, when the Marriage is celebrated in *England*; Marriages in *Scotland* and Abroad are expressly excepted; but according to what is now proposed, the Punishment, as well as the Crime, would be every where the same.

Hitherto, this Law has been considered only as insufficient for the Purpose designed; but let us next take it in another Light, and see whether the dissolving Marriages, in the Manner there prescribed, be in itself lawful, or whether it may not be attended with the most fatal Consequences to the good Faith and Virtue of the People.

A Marriage is to be considered, as a Contract confirmed by an Oath, and as a Divine Ordinance. It will be proper, therefore, to enquire how far a Legislature may interpose

pose in setting aside a Contract, confirmed by an Oath; and in what Cases as a Divine Ordinance, it can be broken.

Where there are all the Essentials of a Contract, the want of Form surely should not set it aside; for the Law does not make a Contract, but finds it already made, and then gives a Power to either Party, to insist upon the Performance of it.

It is enacted by this Law, “ that in no
 “ Case whatsoever, shall any Suit or Pro-
 “ ceeding be had in any Ecclesiastical Court,
 “ in order to compel a Celebration of any
 “ Marriage in *facie Ecclesiæ*, by reason of
 “ any Contract of Matrimony whatsoever,
 “ whether *per verba de presenti*, or *per verba*
 “ *de futuro*, which shall be entered into after
 “ the twenty-fifth Day of *March*, in the
 “ Year One thousand seven hundred and
 “ fifty-four; any Law or Usage to the con-
 “ trary notwithstanding.” What is to be
 understood by this Clause? Is it that all
 Marriage Contracts made since the Year One
 thousand seven hundred and fifty-four, are
 absolutely null and void? Or doth it only
 intend to take away the Power of trying
 them from the Ecclesiastical Courts? If the
 latter only, this Essay is not intended to
 treat

treat of their Jurisdiction ; but if the former, what shall we say of a Law, that without assigning any Reason for it, sets aside solemn Contracts, when upon the Faith of Contracts, depend all the Rights of Civil Society, the Prince's Protection of his Subjects, and the Subjects Obedience to the King, all the Faith of Commerce, and all the social Duties of Life ; if you weaken the Obligations of a Contract in one Respect, you weaken it in all ; provided the Contract be fair and equitable.

If the Law finds the Contract to be unjust or fraudulently made, it sets the Contract aside, because the very Basis and Foundation of it was wrong, but still in such a Manner as not to injure the innocent Person.

If a Person contracts to do a Thing which he has no Right to do, or which it is unjust to do, the Contract is null and void at the very Time of making it ; for no Man can promise what is not his own, or what is in itself unjust.

If a Boy or Girl contract Matrimony, when they are not above twelve Years old, 'tis evident that Contract ought not to be looked upon as binding ; for they swear to they know not what. A Child of twelve Years old may
be

be a very good Witness in Matter of Fact, which it saw, if not puzzled and perplexed by the ensnaring Questions of an artful Council: But to swear at that Age to perform the Duties of a married State, is like swearing positively to a Thing which it had only heard of, and never seen; yet here, I apprehend, that if one of the Parties is of Years of Discretion, that Party is bound by the Oath, till the younger Party arrives at Years of Maturity either to confirm or set aside the Engagement.

The Law has in some Cases, made the Consent of the Parent absolutely necessary, if the Child is under Age, to make the Marriage valid.

By the Law of *Moses*, if a Man seduced a Woman, it was in her Father's Power, either to force him to marry her, or give her such a Dower, as he would have done, if he had married her; but this was at a Time when Polygamy and Divorces were allowed, which are not now. And it may very justly be questioned, whether a Father has, or ought to have Power to disannul a Marriage actually consummated, though it may be very right to put the Life of the Seducer, when he is legally convicted, into the Father's Power,
and

and leave him to determine whether he should live or die.

At what Age Persons are capable to make the Marriage Vow, perhaps cannot be precisely determined; some Time however must be fixed, and that seems to be soon after they are capable of consummating the Marriage; generally speaking, Women arrive at that Age sooner than Men; but then with regard to future Oeconomy, they may still be ignorant; the Law may make what Regulations may be thought proper. But after a Marriage is consummated, it will be hard to bastardize the Offspring, deprive them of the Care of one, or both of their Parents, and of that Inheritance which otherwise they had a Right to possess. In Cases of Treason indeed, a Title and Inheritance is taken away from a Family; but that is from the Offender himself; a Title is originally given for good Services to the King and Country, and therefore the Family may very justly be deprived of it, when that Family acts against the State: But still the Offender is first punished; but here, the innocent Person, and not the Offender is punished.

I do not remember that in the Scripture any Regulations are laid down, about the
 Father's

14 *On the late ACT for preventing*

Father's Power over the Son in Marriage ; if in any thing Children may determine for themselves, it is in the Article of Marriage, upon which their future Happiness so much depends. I am convinced indeed by Observation, that Matches of Prudence are much oftener happy than Matches of Love ; yet I believe, where the Inclinations are forced, it often produces such an Hatred, as to make them incapable of performing the Duties of that State, and render their Life for ever miserable ; and therefore I should think a prudent Parent, if there be no Objection but what arises from Wealth, had better yield to the strong Inclination of his Child, than have Reason to reproach himself afterwards with having made his Child miserable.

It must be owned, that when the Parties come to the Age of eighteen or nineteen, they may be able to form some Idea of the Marriage State, and be fully convinced of the Sanctity of an Oath ; but if they are not *sui Juris*, if they have not a natural Right to dispose of themselves at that Time, the Contract or even the Oath cannot be binding ; but still it is a Thing, which they should most conscientiously consider, how far the Oath ought to bind them when they come
of

of Age. And a Parent should think seriously, what a bad Effect it may have upon the Morals of his Child, to force him when he first goes abroad in the World to violate an Oath or a Contract. If one of the Parties be of full Age, and the other a Minor, the elder of the two may be considered as an Offender against the Law, and punished with such Severity as the Law thinks proper to inflict; but this if possible ought to be done in any other Manner, rather than weakening the Force of Contracts, which is so dangerous to the Safety of the State: It was a just Complaint against the Popes, for presuming to absolve Men from their Oaths; no human Authority has that Power. A Parliament can no more dispense with an Oath, than a Pope and Council. The Frequency of Oaths, and the slight Manner in which they are administered, has abated very much of their Weight and Importance; but for a Parliament to enact that an Oath shall be null and void, is to give a Sanction to Perjury; and cannot but be attended with the most dreadful Consequences. Well may we say with the Prophet, *Because of swearing the Land mourneth*. It tends to corrupt the Probity of the People, and to bring
down

down the extraordinary Judgments of God ; for he has said, *that he will not hold him guiltless that taketh his Name in vain* ; nor will he hold them guiltless that permit it.

How sacred an Oath was in the *Jewish* Dispensation, appears from the Story of the *Gibeonites* : *Joshua* was commanded utterly to extirpate all the *Canaanites* ; but the *Gibeonites* pretending to come from a far distant Country, prevailed upon *Joshua* to make a League with them, and he and the Princes of *Israel* confirmed it by an Oath : When he understood that they were Part of the *Canaanites*, and dwelt in the Land, he dared not violate the Oath, notwithstanding the positive Command of God to extirpate the *Canaanites*, and that the League was obtained by Fraud ; but only punished them, by employing them in the meanest Offices for the Service of the State. A modern Casuist would have set aside the Oath, because they had been guilty of Fraud ; but the *Hebrew* Captain acted right ; which appears from the Punishment which God inflicted upon the Children of *Saul*, because he out of a false Zeal, would have extirpated the *Gibeonites* out of the Land, and deprived them of their Possessions.

How

How great a Regard the *Romans* shewed to an Oath, may be seen in many Instances : I shall mention some. A Tribune of the People, *M. Pomponius*, cited *Lucius Manlius* just after he had resigned the Dictatorship, for using one of his Sons, *Titus Manlius*, very ill, who had an Imperfection in his Speech, and had shewn no great Proofs of any Capacity : His Father had confined him to Works of Agriculture in the Country, and had otherwise used him ill : The Prosecution was carried on with great Heat, and it was generally supposed the Father would be condemned to pay a considerable Fine ; the Son, hearing of the Danger his Father was in, came from the Country to the House of the Tribune early in the Morning, and having sent up his Name, was readily admitted by *Pomponius*, supposing he brought some Matter of Accusation against his Father. *Manlius* desired to speak with him in private, the Servants were ordered to withdraw, when the young Man clapped a Dagger to his Throat and threatened to kill him, if he did not bind himself by the most solemn Oath, to desist from the Prosecution he had begun against the Father : The Tribune heartily frightened, swore any thing that the Son desired ;

fired ; but afterwards complained to the People of the Insult that had been offered him, and desired to be absolved from his Oath : But the People generously decreed otherwise ; they forbid him to carry on the Prosecution against the Father, and rewarded the Son with a considerable Employment in the Army.

Another Instance I shall mention, is a Fact that happened in the *Carthaginian* War : Ten *Romans* who were taken Prisoners, were released upon Oath of returning, if they could not obtain an Exchange of an equal Number of Prisoners : One of them after he had left the *Carthaginian* Camp, returned back again, under Pretence that he had forgot something ; the *Romans* refused to agree to the Exchange ; nine of the ten without Hesitation returned ; but the tenth, under Pretence that he had already discharged his Oath, would have staid in *Rome* ; but the Senate detesting such an Evasion of an Oath, sent him back to the *Carthaginians*.

Let me add one Instance more : *Regulus* had been defeated and taken Prisoner ; he was sent to *Rome* to treat of an Exchange of Prisoners, having given an Oath of returning if the Senate did not agree to it ; that
august

august Body would have agreed to the Exchange out of regard to *Regulus*; but that noble *Roman* dissuaded them from it by unanswerable Arguments; and without taking Leave of his Family, returned to *Carthage*, where he was sure of being put to Death, because of the Opposition he had made to their Demands.

Polybius observes, how little Regard was in his Time paid to an Oath by the *Greeks*, and how sacred it was among the *Romans*: But this was in the degenerate Times of *Greece*; when, notwithstanding their Eminence for Learning, they were so corrupted in their Morals, that they were fit for Slavery; they were so learned that they were able to dispute away the very Foundation of Virtue, and make every Thing appear doubtful: But it was the *Rara Temporum Felicitas* among the *Romans*, as *Tully* somewhere calls it, when Virtue was fashionable, and a Man that had any Regard to his Reputation, durst not be base, perjured, or adulterous. Perjury, Divorces and Adultery, began in the same Period in the *Roman* State.

Indeed nothing can be more fatal to the Morals of a People, than to make light of Oaths and Contracts: And I know no Oath

more solemn than the Marriage Vow: Instead of taking away the Force of a Contract, a wise Legislature would confirm it; this was what the Civil Law wisely ordained: And it is so in *Scotland*, and in most Nations in *Europe*. Indeed where there is only a Contract and that Contract concealed, and a Marriage is afterwards openly solemnized and consummated with another Party, that ought to take place of a simple Contract; or even if the Contract was consummated, yet as it was concealed, and did not claim the Protection of the Law, till after another Marriage was openly solemnized, it seems but reasonable that the Law should give its Sanction to that Party which had first claimed it; but ought not the Person who had violated the Contract to be severely punished? Ought not he to make ample Satisfaction to the Party injured? Would Death itself be too rigorous a Punishment for the Violation of so sacred an Engagement?

Hitherto Marriage has been considered only as a Contract confirmed by a solemn Oath; and in that Respect, I think, it appears to Demonstration, that it cannot be with Innocence violated. It cannot be doubted that Persons of eighteen or nineteen Years
of

of Age are capable of understanding the Force of an Oath, and of forming some Idea of the Obligations of Matrimony : And where the Essentials are fully proved, a wise Legislature should not set aside a Contract for the Want of Ceremonies, but enforce the Parties to make good that Deficiency. Let it be allowed that a Minor has not Power to dispose of itself without the Parents Consent, still if he is of Age to understand the Force of an Oath, he should think himself obliged to comply with the Engagement when he is his own Master, though the Law does not bind him.

If we consider it as a divine Ordinance, I think the Question is undeniably decided ; our Saviour declares the Marriage is not to be set aside ; Polygamy and Divorce were indeed allowed among the *Jews*, but our Saviour declares this was only for the Hardness of their Hearts. *But from the Beginning of the Creation, God made them Male and Female. For this Cause shall a Man leave his Father and Mother, and cleave to his Wife ; and they twain shall be one Flesh : So then they are no more twain, but one Flesh. What therefore God hath joined together, let no Man put asunder,* Mark x. 6--9. Words cannot be

plainer than these, and if they are disputed away any Thing may.

When a Marriage or even a Contract is consummated, it becomes a divine Ordinance; the Power of the Parent is then superseded, and so it ought to be; for the Endearments of the Marriage State may so closely connect them together, that to separate them, may be insupportable to both, or one of the Parties; and an innocent Offspring may suffer, by being deprived of the Care of its Parents, and excluded from its Share of their Patrimony.

But let us consider the Reasons Men give for dissolving such a Marriage: Perhaps one is of a Quality greatly superior to the other; or their Education is very different: Still Difference of Rank or Birth is no Hindrance to all the Essentials of Matrimony being performed. If one of the Parties is of vulgar Extraction, their Blood may be untainted with Disease, and may be of more Benefit to the Health of their Offspring than the contaminated with Disease, though noble, Blood of the other: If ignorant of Forms and Ceremonies usual among the polite World, that Knowledge may soon be acquired by a little Acquaintance with it: If therefore void,
because

because it is done without the Consent of the Father, I must again repeat that I do not any where recollect, that in Scripture the Consent of a Father is any where made necessary for a Son's Marriage. Under the *Jewish* Dispensation indeed, when Polygamy and Divorce were allowed; *If a Man entice a Maid that is not betrothed, and lie with her, he shall surely endow her to be his Wife. If her Father utterly refuse to give her unto him, he shall pay Money according to the Dowry of Virgins,* Exod. xxii. 16, 17. But then the Dissolution of this Marriage was not in the Power of the Sanhedrim, but of the Father only; and as there is no Divorce allowed except in the Case of Adultery in the Christian Dispensation, that cannot be the Case now.

To give another strong Proof how sacred the Marriage Bonds were esteemed among the primitive Christians, I shall mention one Instance more: There was a Dispute in the Church, how far the *Gentile* Converts were obliged to obey the Precepts of the *Jewish* Law; the Church decreed, *that they should only abstain from Pollutions of Idols, and from Fornication, and from Things strangled, and from Blood,* Acts xv. 20. That by Fornication is meant here only such Marriages as

24 *On the late ACT for preventing*

were forbidden among the *Jews*, because of one of the Parties being of a different Religion is evident ; for the Question before the Apostles was how far the Converts were to obey the Precepts of the *Jewish* Law ; the other Points decided clearly relate to them ; and the Marriage of the *Jews* with the *Midianites* is called Fornication upon that Account ; and 'tis to this that the *Jews* alluded, when they said to our Saviour *we are not born of Fornication*, John viii. 41. But Fornication in the Sense in which we commonly use it now, and in which it is to be understood frequently in Scripture, is prohibited by the Law of Reason to the *Gentiles* as well as the *Jews*. This Determination occasioned another Doubt in the Church, which was, whether if a Christian was married to a Heathen, the Difference of Religion would justify a Separation ; this was decided by *St. Paul* ; tho' a Christian was forbidden to marry with a Heathen, yet he enjoins, that *if any Brother have a Wife that believeth not, and she be pleased to dwell with him, let him not put her away ; and the Woman which hath an Husband that believeth not, and if he be pleased to dwell with her, let her not leave him ; for how knowest thou, O Woman, whether thou shalt save thy Husband ?*

or

or how knowest thou, O Man, whether thou shalt save thy Wife? 1 Cor. vii. 12, 16. Tho' that Marriage was actually forbidden, yet when it was consummated, it was not to be dissolved on that Account.

Let us proceed a Step farther, and consider how fatal the Consequences of a Dissolution of a Marriage may be to the innocent Posterity; who by this Means are certainly deprived of the Care of one of their Parents, are bastardized, and exposed to the Scoffs of an unthinking World, who are apt to despise them for what was not in their Power to help: This is treating them with greater Cruelty and Barbarity, than if their Father had been guilty of High Treason. Can the Want of a few Ceremonies justify such Cruelty? Can it make innocent the Breach of a Contract, the Violation of an Oath, and the Dissolution of an Ordinance which God hath declared to be sacred and inviolable, and that whom he hath thus joined no Man should put asunder?

Indeed one of the great and crying Sins that this Nation is guilty of, is the little Reverence that is shewn to Oaths: They are administered upon every slight and trifling Occasion, in so negligent a Manner, that
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one would think Perjury was thought no Crime at all: In some Cases it is openly allowed, as in that now before us; in others it is even encouraged, as in the Case of Simony; a Clergyman is obliged to take an Oath, when he is instituted to a Living, “ that he has made no simoniacal Payment, “ Contract or Promise, directly or indirectly, by himself or by any other, to his “ Knowledge, or with his Consent, to any “ Person or Persons whatsoever, for or concerning the procuring and obtaining the “ ecclesiastical Dignity, Place, Preferment, “ Office or Living, whereunto he is to be “ admitted, instituted, collated, installed, or “ confirmed, nor will at any Time thereafter perform or satisfy any such kind of “ Payment, Contract, or Promise made by “ any other Person without his Knowledge “ or Consent; so help him God thro’ Jesus “ Christ.” Can. 40. My Lord *Coke* therefore says very rightly, that Simony is therefore the more odious, because it is always accompanied with Perjury; yet though this is well known, Common Law will enforce the Payment of a Bond given upon that Account: The giving or receiving of such a Bond is iniquitous, and therefore such a Contract is
null

null when it is made, and should be punished in both the Parties, as it anciently was: By an ancient Canon it is decreed, that “ it
 “ shall not be lawful to any Man, to transf-
 “ fer a Church to another in the Name of a
 “ Portion, or to take any Money or cove-
 “ nanted Gain for the Presentation of any
 “ one: And if any shall be found guilty
 “ thereof, by Conviction or Confession, it
 “ is decreed by the King’s Authority, and
 “ by our own, that he shall be for ever de-
 “ prived of the Patronage of that Church.”

Lind. 281. And by some other Canons the Clergymen, who were simoniacally promoted, were punished by Deprivation, and perpetual Disability, not only to the Church he was then presented to on a simoniacal Contract, but to all other Preferments whatsoever. And by a Statute made in the Reign of Queen *Elizabeth*, if a Person is presented to a Living simoniacally, that Presentation is declared void, the Right of Presentation for that Time is in the Crown, and both the Person presenting, and presented, are liable to be fined; and the Clerk declared incapable of having that Benefice. Can any Thing then be more absurd than to enforce the Payment of a Bond given in Contradiction to an Oath?
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the Laws of the Land ought to be consistent with one another. But to return to the Marriage Act.

It is declared by this Act, that Marriages solemnized by Licence without Consent of the Parents or Guardians, where either of the Parties (not being a Widower or Widow) shall be under Age, are void: What! are not the Parties capable of taking an Oath before that Time, and of consummating the Rites of Marriage? What Power on Earth shall presume to set aside an Oath, or to dissolve an Ordinance of God? And if it be not done in a proper Place, the Marriage is declared to be null and void, and the Minister to be transported for fourteen Years: Is it the Place then that makes the Essentials of an Oath, or gives a Sanction to the Ordinances of God? 'Tis allowed that Clandestine Marriages ought to be punished; but then the principal Offenders ought to be punished the most: By this Law the principal Offender may escape without any Punishment at all, and may obtain the Gratification of his Lusts; an innocent Person may be made miserable for Life, and the Clergyman, who is but an Offender in the second Degree, is punished with unexampled Severity. The only
Way

Way to prevent Clandestine Marriages effectually, is to punish the Seducer with Severity, and his or her Accomplices; Death itself would not I believe be too severe a Punishment upon a Person who had deprived a Parent of his Child, before the Law had judged it came to Years of Discretion: This would strike at the Root of the Offence at once, and prevent all Clandestine Marriages both at Home and Abroad.

There is another Clause in this Act that well deserves Consideration: “ And whereas
 “ it may happen, that the Guardian or Guardians, Mother or Mothers of the Parties
 “ to be married, or one of them, so under
 “ Age as aforesaid, may be *Non Compos Mentis*, or may be in Parts beyond the Seas,
 “ or may be induced unreasonably, and by
 “ undue Motives to abuse the Trust reposed
 “ in him, her or them, by refusing or withholding his, her, or their Consent to a
 “ proper Marriage, be it therefore enacted,
 “ That in Case any such Guardian or Guardians, Mother or Mothers, or any of them,
 “ whose Consent is made necessary as aforesaid, shall be *Non Compos Mentis*, or in Parts
 “ beyond the Seas, or shall refuse, or withhold his, her, or their Consent to the
 “ Marriage

“ Marriage of any Person, it shall or may
 “ be lawful for any Person desirous of mar-
 “ rying in any of the before-mentioned
 “ Cases, to apply by Petition to the Lord
 “ Chancellor, Lord Keeper, or Lords Com-
 “ missioners of the Great Seal of *Great-Bri-*
 “ *tain* for the Time being, who is and are
 “ hereby impowered to proceed upon such
 “ Petition in a summary Way ; and in Case
 “ the Marriage proposed shall upon Exami-
 “ nation appear to be proper, the said Lord
 “ Chancellor, Lord Keeper, or Lords Com-
 “ missioners of the Great Seal for the Time
 “ being, shall judicially declare the same to
 “ be so by an Order of Court ; and such
 “ Order shall be deemed and taken, to be as
 “ good and effectual to all Intents and Pur-
 “ poses, as if the Guardian or Guardians,
 “ or Mother of the Person so petitioning
 “ had consented to such Marriage.” Sup-
 posing a poor Person is under Age who has
 neither Father nor Mother, must that Per-
 son apply to the Chancellor, for a Licence to
 marry ? It is said by some, that where a Per-
 son is kept by the Parish, the Officers of the
 Parish are the Guardians ; but this is con-
 tradicted by others ; and I know myself two
 Cases, where the Husband has left the Wife,
 and

and the Parish have refused to acknowledge the Legality of the Marriage, because one of the Parties was under Age, and had neither Parent nor Guardian. It may be said, that such People should be married by Banns, but in many Cases this may be impossible or very inconvenient; a Man may be going to Sea, and not be able to stay till the Banns are published; and the Parish Officers may from mean and narrow Considerations, try various Ways to obstruct the Publication of the Banns, by removing one or other of the Parties from the Place where they then dwell; or the Woman may be unhappily so near her Time, that an immediate Marriage may be necessary, to prevent the bastardizing the Offspring; these Cases may, and do frequently happen, and surely deserve some Consideration.

Perhaps some Persons who are quite at Ease and abound in Plenty of all Things, may say; "What should such Creatures marry for? only to get a Parcel of Beggars and Thieves; 'tis a pity such Persons should be allowed to marry at all." These Sentiments I have heard; but let such know, that God has implanted in them the same Desires that he has in the Rich: They marry
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to man the Fleets and Armies ; to bring you Delicacies from the remotest Parts of the Earth, for the Support of your Luxury ; to till your Ground, that you may have Bread to eat ; and to defend your Property from a foreign Enemy ; without them you must do your own Drudgery : The Poor well taken care of, are the Defence of a State ; but if their Morals are neglected, they may become indeed a Burthen, but they may enjoy the Comforts of a married State, even as much as the Rich.

*Heaven in their Cup this cordial Drop has
thrown,*

To make the nauseous Draught of Life go down.

I knew a Man who had six Children, and nothing to maintain them but his own Labour ; from the Time that his Children were three Years old, he employed them about something ; and even found Time to teach them to read : His Master was very kind to him, and gave him Leave to keep a Cow ; the Family drank no Beer ; Milk and Water was all that they had to drink ; Idleness was banished from his House, but Peace, Health and Content, were there fixed ; he owed no Debts, he feared no Duns ; when his Time
of

of Labour for his Master was over, he employed the Remainder in teaching his Children, in cultivating his Garden for the Produce of such Things as were useful in his Family : Was such a Person to be debarred from marrying ? Such may the Poor be, and then they need not envy the Splendor of the Rich. “ Blush, Grandeur, blush !”

There are indeed some Cases wherein a Marriage may in whole, or in part, be dissolved, agreeable to the Laws both of God and Man : *Propter scævitiā*, a Couple may be separated ; if one of the Parties is in Danger of Life, or continual bad Usage, it seems very reasonable that they should be parted, and the Law allows a Separation *a Mensa & Thoro* ; but it is a pity that some Punishment, some Mark of Infamy was not inflicted upon the principal Offender to reform him, and to prevent such bad Behaviour in others.

Adultery is another Cause of a total Divorce ; but here likewise the Law is very deficient : The Time and Expence of procuring such a Divorce are unreasonable, and the offending Party is not at all punished ; for to dissolve a Marriage, where a Person has been guilty of Adultery, can be no Punishment

ment to the Offender ; the Woman has her Dower, and is at Liberty to pursue her Inclinations ; and there are too many Instances amongst us of Parties who have willingly been caught together, on purpose to obtain a Divorce. The Law of God ordained that the Adultress and Adulterer should be put to Death. If this Punishment is to be mitigated, some Punishment ought to be contrived to render the Violation of the Marriage Bed infamous ; the Lady's Dowry ought to be forfeited, and applied to the Building of some Place, where Women who have offended should be kept in close Confinement, and upon a scanty Allowance, and debarred all those Pleasures an immoderate Use of which perhaps first seduced them. It may be asked perhaps, how must the Husband be punished if he is guilty of Adultery ? It is clear by the Law of God that he who lies with another Man's Wife, is to be put to Death ; and certainly if any Injury done to another deserves Death, this does ; but if a married Man lies with a single Woman, it is no where said by the Law of God that he should be punished with Death ; except perhaps it be by Implication, when our Saviour saith, *Whosoever putteth away his Wife,*

and marrieth another, unless it be for Fornication, committeth Adultery.

This is certain, that a Breach of the Marriage Vow in either Party is the greatest Violation of the first social Duty, attended with Perjury, and a Contempt of the most sacred Ordinance of God : A Woman who is guilty of this Crime, may indeed introduce a spurious Issue into a Family, in prejudice of her Husband's real Children, or of his Relations; this a Man cannot do; but may he not squander away his Substance in the Embraces of an Harlot; contract Diseases which may destroy himself, his Wife, and his Children, and bring him and his Family to a Morfel of Bread? And are these Crimes of a light Nature? Are they to be accounted as nothing, because they are common? No; the Frequency of them may bring down national Judgments upon us, but will not lessen the Guilt of the Offender; whoever breaks the Marriage Vow, destroys the surest Foundation of Happiness in this Life, and he that cannot lye hath said, *that he shall not enter into the Kingdom of Heaven in the next.*

Another Cause for totally dissolving a Marriage, is Impotency. This indeed makes the Marriage void from the first, for the Parties

are not able to perform the Essentials of the Contract : But here the Proceedings to prove this, are intolerably tedious and expensive, and the Sentence sometimes very absurd. A Man may have cohabited with a Woman some Years, and not consummated the Marriage, and yet the Spiritual Court has denied a Divorce, because though it has not been consummated, it may be hereafter : This is surely very cruel and very absurd : Cruel, because a Woman may have these Desires, consistent with the strictest Modesty ; for the Gratification of Desires which Nature has implanted in us for wise Ends, according to the Rules which Reason and Religion have prescribed, can never be a Crime ; and these Desires may be greatly inflamed, by being with a Bed-fellow of another Sex, and perhaps by other Provocations : And absurd, because till the Marriage is consummated, it is but a Contract, and one Party not being able to perform his Obligation, that Contract becomes void ; nor is it reasonable that a Woman should spend the best of her Days in fruitless Expectations, and in a continual State of Temptation ; if the Man and Woman live together a Year, and cohabit together all or great Part of the Time,
and

and are frequently in Bed *Nudus cum Nuda*, and the Marriage is not consummated, surely that may be looked upon as a sufficient Time of Trial for the Man, and of Penance for the Woman.

To illustrate this by an Argument upon this Subject ; if two Persons are contracted, one of whom is of Age, and the other not ; the contracting Party who is of Age, is bound till the other comes of Age ; but then if the younger Party refuses to confirm the Contract, it is void : Might it not as well be said that the Contract ought still to subsist, because it is possible the dissenting Party may change its Mind, and be willing to complete the Marriage ? If this would be thought hard and unreasonable, much more would it be so in the other Case ; for 'tis much more probable that a Person should change his Mind, than that a Man arrived at Years of Maturity, and not afflicted with constant Sickness, who was unable to perform the Duties of Marriage in a Year's Time, should ever be able to consummate it afterwards ; especially since it may be supposed, that a Woman irritated by so long a Disappointment would contract an incurable Aversion to him.

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And let me observe by the Way, this is a very strong Reason why a young Woman should not marry an old Man : A Woman may be naturally very virtuous, and have Strength to remain so while single, and yet not be able to answer for herself, when her Passions are irritated by impotent Attempts, and a Flame kindled, without Ability to quench it.

One Thing more with Relation to Marriage, is more effectually to prevent Polygamy : There is indeed an Act of Parliament, made in the Time of *James I.* which makes Polygamy Death ; and certainly it deserves that Punishment ; for a greater Injury cannot be done to the Party, than marrying, when there is a former Marriage subsisting. To procure Money by Fraud, is now, I think, made capital ; and is it not a much greater Crime, to rob a Woman of her Innocence, and to bastardize the Children which may be born ? It is therefore to be wished, that the Legislature would more effectually put this Law in Execution.

And now let us consider, candidly and impartially, what Good, or what Hurt, this Law against Clandestine Marriages has done : It effectually destroys all Contracts made since the Enforcement of the Law : It punishes

nishes a Clergyman for solemnizing Marriage in an irrègular Manner, but it does not punish the Person principally offending at all; and Experience has shewn, that it doth not prevent Clandestine Marriages; for where the principal Offender is not punished, there will always be a Way to elude the Law.

On the other Side, let us see what Hurt this Law has done. It interrupts the Worship of Almighty God, by ordering the Banns to be published in an improper Part of the Service; it weakens the Force of Contracts; not but that it may be allowed, where one of the Parties is under Age, a Contract may be set aside, if it has gone no farther than a Contract, because that Person is not *sui Juris*; but where the Contract has actually been consummated, and the Marriage celebrated, the Case is very different: It must be owned that Persons under the Age of one and twenty, may be sensible of the Obligations of an Oath, and able to consummate a Marriage, and then the Reverence that is due to an Oath, and the divine Ordinance of Marriage, should make the Tie indissoluble; the Essentials are performed, and a Want of Form and Ceremony cannot dis-

annul it: If in any Thing a Child ought to have its own Choice, it is in an Engagement which is to continue for Life, and on which its Happiness so manifestly depends. Let what Restraints the Law thinks proper be laid upon the Disposal of the Fortune of the injured Party; but let not an Oath, and a divine Ordinance be superseded for the Want of Form. If that Religion would be thought superstitious, which went no further than Form and Ceremony, without regard to the Purity of the Heart; that Law must be thought vain and hurtful that would destroy the Essentials, because there was a Deficiency in the Form: This Law under Consideration, tends to destroy public Faith, to weaken the Force of an Oath, and to assume a Power, which has been so generally condemned as a Crime in the Popish Religion; and to dissolve an Ordinance of God, which he has expressly forbid any Man to do. These are no trifling Things, they tend to undermine Religion and Probity, and the Obligations to the social Duties of Life.

And shall not God punish for these Things? Hath he not begun to punish us already? We see the Sanctity of an Oath continually diminishing among us; and this Act weakens
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it still more by public Authority. An Oath is the general Bond of Society; the Duties of the King to his People, and the People to their Sovereign, depend upon it. Our Characters, our Property, our Lives, and the Decisions of the Courts of Justice, are all affected by it; and yet by this Act, Perjury is made legal: Are not Adulteries become common among us, and Divorces more frequent than ever? Is not the Infamy of Sins of Debauchery entirely taken away from one Sex, and large Strides taken to do the same in the other? Is not the open Detection of Adultery contrived by the Persons offending, in order to procure a Divorce, without the Fear of Punishment? Is not the Affection between Man and Wife, by this, in a manner destroyed; the Care of the Children and Servants neglected, domestic Love and Duty forgot? And the greatest Enemies that a Man can have, are frequently those of his own Household.

And can we think that our Punishment will end here? No: where Probity and Religion are despised and slighted in a Country, the Ruin of that Nation is near. This, the Histories of all former Ages demonstrate; the only true Foundation of public Spirit,

Spirit, is private Virtue ; where that is wanting, no outward Professions can be depended upon : The Cry may be High Church, or Low Church, Liberty, or no Church, or any other Pretext whatever, but tho' sometimes a Complaint may be well founded, yet that is not the true Cause of their Clamour, nor are they to be depended upon for it. The Reason that *Catiline* assigns is the true Ground of their Murmurs, they are “ *vulgus, sine gratia, sine autoritate, his obnoxii* “ *quibus formidini essent, si Respublica valeret :* “ *itaque omnis gratia, Potentia, Honos, Divitia, apud illos sunt, aut ubi illi volunt.*” Give them but Places or Pensions and they will alter their Tone.

And where there is such a Decay of moral Virtue and Religion, the Nation is ripe for Destruction : Not only the extraordinary Judgments of God may be dreaded, but the natural Consequences of the Vices we are speaking of are most fatal. Where Religion and Virtue flourish in a Nation, every other Loss may be retrieved ; but where they are gone, every Danger is to be apprehended : At the first Deviation from public Virtue, the Inconveniencies suffered are merciful Warnings ; but dreadful are the Consequences, when

when the Corruption grows to any Height. All our Blessings will become Curses to us; the Riches and Power of a Nation will make her Citizens more luxurious, factious, and ripe for civil Discord; they will be a Temptation to our Enemies to invade us, and a Means to make their Attempts successful. We dwell in a Country whose Cities have neither Bars nor Gates, and we are settled on our Lees, that say in our Hearts, *the Lord will not do good, neither will he do evil; therefore our Goods shall become a Booty, and our Houses a Desolation; we shall also build Houses, but not inhabit them; and we shall plant Vineyards, but not drink of the Wine thereof.* In such a Nation, Offices will be the Price of Corruption, not the Reward of Merit, and an Enemy will make an easy Conquest of it.

Nor let this be thought a Deviation from the Subject; on a strict Regard to the Duties of the Marriage State, the Education of Children, the Oeconomy of a Family, the Management of Servants, all depend; and consequently the Virtue of a rising Generation. The Inconveniencies and Mischiefs arising from the present Course of Things, are felt and complained of by all, but attempted

44 *On the late A c T for preventing, &c.*

tempted to be remedied by few. The likeliest Way to reform the next Generation, is to encourage and enforce, by all possible Means, the Duties of domestic Life; to render the Marriage Vow in particular, sacred and inviolable; or to make the Breach of it highly punishable; to restrain the Use of Oaths upon trifling Occasions, and where they are necessary, to administer them with the greatest solemnity and reverence.

E S S A Y

E S S A Y II.

On the GUILT and DANGER of
contracting DEBTS.

The Borrower is Servant to the Lender.

PROV. xxii. 7.

Ne cede Malis.

VIRGIL.

TIS a great Misfortune that often happens to many, that they are too soon their own Masters : The usual Methods of Education now pursued, make Youth uneasy under all Restraints and Advice ; they give a Loose to their Passions and Appetites, before they come to the Use of their Reason, or will hearken to it ; and contract Diseases of which they never can be cured, and entangle themselves in Difficulties, from which they can hardly ever extricate themselves.

'Tis the Design of this Essay to warn Men of the Danger and Guilt of contracting Debts,
which

which they cannot pay ; by which they may be overwhelmed with Inconveniencies, which they may never be able to remove ; and throw themselves into a State of Dependency, from which they may never be delivered.

There are two Sorts of Debts, Debts of Justice, and Debts of Gratitude ; the first is, when a Man has a Claim upon another for any valuable Consideration lent, or sold, or for Labour done, or by Contract, or voluntary Engagement. The second is, when a Favour is conferred without stipulating, or perhaps expecting, at that Time, any Return. And sometimes a Debt may partake of the Nature of both, where some Money is lent, or valuable Consideration afforded in such a Manner, as is of little, or no Advantage to the Lender, and which he was inclined to grant, not from any Gain or Conveniency to himself, but only out of Good-nature and Generosity to the Borrower : Now both of these are strictly obligatory, but in a different Manner. Debts of Justice must be discharged before Debts of Gratitude. When a Man generously confers a Favour, he gives up all Claim of demanding it again ; whereas a Man who lends, or sells any Thing, contracts at the very Time for Payment ;
and

and if the Borrower and obliged Person, has not sufficient to discharge both, the generous Benefactor having given up his Right to claim, when he conferred the Obligation, must give Place to the Lender. But, when a Debt of Justice is paid, the Obligation is fully discharged, but a Debt of Gratitude may continue one's whole Life. A Favour generously conferred is an Act of Friendship, and the Bonds of Friendship grow stronger by mutual Returns, instead of being dissolved. When a Debt partakes of the Nature of both, as Assistance generously lent, without any View of Profit to the Lender; 'tis evident that Gratitude cannot lessen the Obligations of Justice, nor make it less a Debt, because generously conferred. It rather strengthens them, and when Justice is satisfied, the Debt of Gratitude will still remain. But the best Guide in this, and in all others Matters of Justice is, an honest Application of our Saviour's Rule. *All Things whatsoever ye would that Men should do unto you, do ye even so unto them; for this is the Law and the Prophets, Matt. vii. 12.*

Debts of Justice may be contracted, either by any valuable Consideration which a Man has received, or has been performed for him,
or

or by his entering into Suretyship for another, or when he has promised, and contracted, to give or pay any Thing to another.

Debts of the first Sort are acknowledged by all to be binding, and so are the others likewise; for perhaps it was upon the Credit of the Surety, that the Money was lent, certainly the Lender thought the Security of the Borrower insufficient, or doubtful, which made him desire another for his own Safety, and therefore depended upon that of the Surety. If a Man thinks it hard to pay for what he never had, or received any Benefit from, 'tis indeed a Reason to make him cautious of becoming Surety again, but none to acquit him of the Obligation he voluntarily took upon him, and which the Claimant depended upon. And what a Man voluntarily promises to give, does by that Promise become a Debt; and not discharging it, may do the Person to whom it was promised, great Injury: Possibly he may, relying upon it, have incurred Expences which otherwise he would have saved; at least his Expectations were raised, and disappointing him will mortify and vex him; and no Man has a Right to vex another: Perhaps keeping
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the Promise will be an Inconveniency to the Man who made it; but will not breaking it be an Inconveniency and Hurt to the Man to whom it was made? Be as backward as you will in making Promises; but when made, it is a Duty to be punctual in the Observance of them: If indeed, he be unexpectedly reduced to such a State, that he cannot pay both his own Debts contracted for valuable Considerations received, and discharge his Promises; it appears reasonable, that he should pay such Debts as were contracted by Considerations received, before what were only such, because they were kindly promised; but even here he may be much to blame, if he gave the Promise at a Time when he knew he could not justly perform it: Nor will Inconveniency, if it be confined only to himself, absolve him from the Obligation. The Psalmist is very express in this, *Lord, who shall abide in thy Tabernacle? who shall dwell in thy holy Hill? He that walketh uprightly, and worketh Righteousness, and speaketh the Truth from his Heart; he that backbiteth not with his Tongue, nor doth Evil to his Neighbour, nor taketh up a Reproach against his Neighbour, in whose Eyes a vile Person is contemned, but he honoureth them that*

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fear

fear the Lord; he that sweareth to his own Hurt, and changeth not; or as it is in the old Translation, he that sweareth unto his Neighbour, and disappointeth him not, though it were to his own Hindrance, Pſal. xv.

In all Crimes there are various Degrees of Guilt, in this there are many. The first, and highest Degree of Guilt is, when Men contract Debts without any Intention to pay them, trusting either to their own Power, Authority, and Privileges, or the Inability and Ignorance of the Creditor, or intending to break that they may make a Fortune.

Another Degree of Guilt is, when Men contract Debts through Vice and Extravagance; they don't directly intend to defraud their Creditors, though they know they are spending much more than they have; they neglect their Business, to follow their Pleasures; and because they are uneasy whenever they begin to reflect, therefore they banish Reflection far from them, till their Affairs grow desperate, and they are hurried away to a Goal. Or perhaps, taking the Advantage of some Privileges, which they derive from their Rank and Quality, and which set them above the common Forms of the Law, they think themselves above settling their
Accounts,

Accounts, with such mean People as Tradesmen. Debts of Honour, as they are falsely called, they pay with the utmost Exactness, while the Person who feeds, or who clothes them, is treated with Insolence, Contempt, and opprobrious Names, when he comes to ask for his own, or delayed from Time to Time, till his Loss is more than doubled by long Credit and fruitless Attendance.

Another Degree of Guilt is, when Men who begin the World with little or no Fortune, have a good Education and genteel Connections, but have not wherewithal to support themselves with that Decency, which their Station requires; depending upon Expectations, they contract Debts which they are not able to pay, fall into Usurers Hands, their Debts multiply with amazing Rapidity, their Expectations are disappointed, or when they come, they are so overwhelmed with Debt, that they cannot remove it, every Creditor thinks he hath a Right to be pressing, and that Severity is the surest Way to recover his own.

A fourth Degree of Guilt may be, when Men by unavoidable Losses, or perhaps a too great Kindness to, or Confidence in, a Friend,

are brought to Ruin : Each of these have their different Degrees of Guilt, and should be distinctly considered, and very differently treated.

The first and greatest is, when a Man borrows or contracts Debts without any Intention to pay, but designs at the very Time of contracting the Debt to defraud his Creditor, either trusting to his own Power and Authority to protect him, or to some Trick or Chicanery of the Law, or the Credulity, Poverty, or Weakness of the Creditor, for evading it. This to all the Guilt of Theft, adds likewise that of Hypocrisy, and shall therefore receive greater Damnation. Our Laws have lately, very justly, made some Debts contracted with an Intention to defraud, capital. None will be openly and avowedly guilty of it, but such as are destitute of all Regard to Justice, or Desire of a good Name ; but there are too many who commit this Crime, but under various Pretences would conceal the Guilt from the World, and even from themselves ; their Rank and Dignity entitles them to certain Privileges, by which they claim a Sort of Right to defraud and distress their Creditors : There are some that defraud the Widow, and the Orphan,

Orphan, or keep back the Hire of the Labourer, either in Whole, or in Part, because they are unable to defend themselves, and the Law is too chargeable a Remedy for them to have recourse to. But let the Unjust remember, that the Widow, and the Orphan, and the Poor, are the peculiar Care of Providence; though they are not able to avenge themselves, yet God will. Hear his Threatnings and tremble; *Ye shall not afflict any Widow, or fatherless Child; if thou afflict them in any wise, and they cry at all unto me, I will surely hear their Cry, and my Wrath shall wax hot,* Exod. xxii. 22. *For the Lord your God is God of gods, and Lord of lords, a great God, a mighty, and a terrible, which regardeth not Persons, nor taketh Reward; he doth execute the Judgment of the Fatherless, and the Widow,* Deut. x. 18. *Cursed be he that perverteth the Judgment of the Stranger, Fatherless, and Widow, xxvii. 19. Execute true Judgment, and shew Mercy — and oppress not the Widow, nor the Fatherless, the Stranger, nor the Poor — but they refused to hearken, therefore it is come to pass, that as he cried, and they would not hear, so they cried, and I would not hear, saith the Lord of Hosts, Zech. vii. I will come near to you in Judgment, and I will be a*

Swift Witness—against false Swearers, and against those that oppress the Hireling in his Wages, the Widow, and the Fatherless, and that turn aside the Stranger from his Right, and that fear not me, saith the Lord, Mal. iii. 5. Thou shalt not defraud thy Neighbour, nor rob him; the Wages of him that is hired, shall not abide with thee all Night until the Morning, Lev. xix. 13. Wo unto him that buildeth his House by Unrighteousness, and his Chambers by Wrong, that useth his Neighbour's Service without Wages, and giveth him not for his Work, Jer. xxii. 13. The Labourer is worthy of his Hire, Luke x. 7. Behold the Hire of the Labourers which have reaped down your Fields, which is of you kept back by Fraud, crieth, and the Cries of them which reaped are entred into the Ears of the Lord of Sabbath, Jam. v. 4.

These Passages are so plain, that whoever with-holds from the Poor his Due, whenever it is in his Power to give it, must renounce his Belief of the Scripture, or fondly think, that he can as easily elude God, as Man; but he will find, when it is too late, *that God is not mocked*, and that the Dues which he has with-held, will be a Moth to his Substance here, and Fuel to the Fire, which shall torment him hereafter.

As

As to the second Sort of Persons, who contract Debts by their Extravagance, and by indulging themselves in Vices, they are generally so thoughtless, so averse to all Advice and Reflection, that there is little Hope of being able to prevail with them, to avoid the Ruin they are hastening into; however, I will venture to suggest a few Thoughts, which if they will attend to, they will find to be of great Consequence to their future Happiness.

The Debts you contract must sometime be paid; you may defer the Day of Payment, you may borrow from one to pay another, but that cannot last long: When your Credit fails, you will be forsaken by all, even your most intimate Friends will forsake, will reproach you; for Vice is incapable and unworthy of sincere and true Friendship; they will upbraid you with your Extravagance and Follies, in which they themselves were Partakers; your Appearance will afford them Matter of Diversion.

*Want is the Scorn of every wealthy Fool,
And Wit in Rags is turn'd to Ridicule.*

And what is Vice then, when it is in Rags
of its own fabricating?

Every Age hath its proper Enjoyments ; those of Youth are more lively and visible, but old Age is not destitute of its Comforts, if it be not deprived of them by the Follies of Youth : To look back upon a Life well spent, will give a Man the most exquisite Pleasure ; 'tis living our Days over again ; to be able by Experience, to caution and warn unsuspecting Youth, of the Dangers that may ensnare them, will make a Man respectable and venerable ; and to look forward, *upon that Life and Immortality, which is brought to light by the Gospel*, will support and comfort a Man amidst all the Languors of Sicknes, and all the Pains of acute Diseases : But what can support a Man whose Constitution is impaired by Vice ? Who looks with Regret on what is past, and with Horror on what is to come ; who wishes for Pleasures that he is incapable of, and is as despicable to his Acquaintance, as he is impotent in his Enjoyments.

Look round you and see, how many Examples you have before you of Persons, who like you have contracted Debts, and have been drawn from one Degree of Wickedness to another, till they have brought themselves to an untimely End. Can you be certain this will not be your Case ? The Guard of
your

your Virtue is broken down ; one Vice draws on another ; you are upon the Brink of a Precipice ; the Declivity is dangerous, if you begin to fall, you know not where you can stop.

Every Shilling a Man saves when he is one and twenty, will be worth a Guinea when he is thirty. If you deny yourself vicious and foolish Pleasures and Diversions, you may still enjoy some in Moderation : And your Oeconomy in your Youth will make your middle Age pleasant, happy, and respectable.

As for Persons of a high Rank and Distinction, who keep their Creditors out of their Money, and make use of those Privileges, which they derive from their Ancestors, let them consider, that it was not for this that these Privileges were allowed them : It may be very right that their Persons, should in some respect, be looked upon as sacred ; nay, that they may have the Liberty of communicating, upon extraordinary Occasions, those Privileges to others ; but surely it was never intended as a Licence to cheat and defraud. They know not what complicated Ruin their Delay of Payment may occasion. The Person they deal with, must have his Goods
from

from the Merchant, the Journeyman or the Farmer; while he is not paid, he cannot pay them. The Merchant may have his Goods from foreign Places, his Credit may be affected there, and that may hurt his Correspondents in the most remote Places.

Nor will the Mischief hurt others only. He will feel it himself severely. Tired by the Importunity of his Creditors, he must raise Money somewhere: His Estate perhaps is settled, and he can neither sell nor mortgage it; Money he must have, and he applies to Usurers. Or, he sells Annuities at a very low Rate. Thus his Income is greatly lessened, and he will find his Expences increased: For no body will trust him, without making him pay a most exorbitant Price. What then must he do? If there be any Dissentions in the State, he will be tempted to promote them; in hopes that a civil War will extricate him from his Debts, and that he may grow rich by the Ruin of his Country. That this has been often the Case, History shews.

Or, he will servilely fawn upon a Minister, to obtain a Place, and join in the most destructive Measure against his Country, to preserve it. These Consequences are surely terrible.

terrible. Let such Persons reflect, how much better it would be for themselves, to retrench their Extravagances and their Vices, and pay their honest Tradesmen. How much more Lustre and Weight they would have in their Country, by an Independence, than by profuse Equipages, luxurious Tables, Dogs, and superfluous Horses, and expensive Harlots : With what Freedom and Dignity they could speak in the Senate, or advise in the Cabinet ; and what Influence their just Requests would have with the Minister, or even their Sovereign.

A third Sort are those, who begin the World with little or no Fortune, have a good Education and genteel Connections, but have not wherewithal to support themselves with that Decency, which their Station requires ; depending upon Expectations, they contract Debts which they are not able to pay, fall into Usurers Hands, their Debts multiply with amazing Rapidity, their Expectations are disappointed, or when they come, they are so overwhelmed with Debt, that they cannot remove it, every Creditor thinks he hath a Right to be pressing, and that Severity is the surest Way to recover his own.

Various

Various are the Degrees of Guilt in this, but it is seldom without some Guilt, and the Punishment will always be found heavy here, and if not heartily repented of, by a different Conduct, and all possible Care to make Amends to the Sufferers, much greater will be the Punishment hereafter.

Indeed Offenders in this Way are desirous to be looked upon as thoughtless, good-natured Persons, who have not contracted Debts out of a Design to defraud, but only because they did not reckon right, or from an Excess of Generosity, and therefore hope their Crime is very small and excusable; and before they have run great Lengths, many who have not been injured by them, are willing to excuse them on these Accounts: But when they have involved themselves to such a Degree, as to have no Prospect of extricating themselves, at least for a long Time, then the Clamour will become very general against them: Some, who pretend to pity them, will express it in such a Manner, as shews it proceeds rather from Pride than Benevolence; and every Specimen of it must give a sensible Resentment to every one, whose Misfortunes have not stupified him; and indeed the Excuses alledged will by no Means

Means justify the Delinquent. Want of Thought is the Occasion of the greatest Evils, and 'tis very unreasonable, that other People must suffer, because a Man wants Thought. Nor is a Man generous, when he gives what is not his own; a Man is first to be just, then grateful, and then generous.

Two Cases may occur, when a Man is rather to be pitied than blamed; one is when he really hath not sufficient to buy what may be called the Necessaries of Life to one in his Station; but then he must consider, that what may be really called the Necessaries of Life in his Station, are much less than are generally thought so: They differ indeed according to the Birth, or Education, or Character, Men are invested with; but in no Rank or Character, is any Thing that borders upon Profuseness or Luxury to be allowed; Decency, in the strictest and lowest Sense of the Word, is the utmost that is to be aimed at; shunning every Expence, that can be avoided, is a Duty; nor is a Man ever to deceive his Neighbour, by representing his Circumstances such as may render him worthy of Credit, when he knows the contrary; and he must do every Thing in his

his Power to provide honestly a Subsistence for himself and his Family by his own Labour and Industry, or in the Way that his Station has placed him.

Another Case that may deserve Pity, is, when a Man is deprived or kept out of Part of his Income unexpectedly, which he had Reason to depend upon, and ordered his Expences accordingly ; but then it is his Duty, as soon as he is sensible of the Loss or Detention, to alter his Conduct, and regulate his Expences according to what he has left, and not according to what he has a Right.

But to expose the Guilt of this Sin fully, it will be proper to shew, what Hardships it may bring upon others, and what Snares, Temptations, and Crimes, it involves the Person himself in. When you borrow Money, your Friend, who lends it, does not think of giving it. When you contract a Debt with a Tradesman, he supposes he shall have his Money after a proper Credit, and fixes the Price accordingly ; if you fail of making your Payment, you may injure your Friend's Credit ; you deprive the Tradesman of his Profit, perhaps hinder him from keeping his Word with those with whom he is concerned, thereby hurting his Reputation, which

which is the Life of Trade. And can you think your Guilt small, when you return an Injury for a Benefit, and perhaps ruin the Credit of another, which he might have preserved, if he had not depended upon you?

When Expences exceed the Income, it naturally throws a Man into more Expence, and that adds to the Crime and to the Difficulty. When you are called upon to pay, and have it not, you raise it as you can; People in Trade perhaps, by selling their Goods for less than they cost, which brings on a lingering Consumption; others by borrowing; this lays you under an Obligation, which you may think yourself obliged to be grateful for; but your Request often repeated, your Friends grow weary of you, and then you apply to Usurers, who suck your very Vitals out; in the mean Time your Debts increase, and your Ability to pay is lessened. A Demand comes, you have it not; you are desired to fix a Time, you do it to satisfy your Creditor, and yet perhaps at the very Time you promise, you know you cannot perform it; by this you add Falshood to Injustice; or you promise absolutely, and yet have but very little Hopes of being able
to

to do it ; this partakes so much of Falshood, that a Man who has not lost all Sense of Truth and Honour, (and some such there are in these unhappy Circumstances) must be shocked greatly. Or suppose you really think you can pay it at the Time, yet before that comes, another more importunate insists upon his own, or threatens you with Extremities ; to avoid this you pay him what you had promised to the other, who only suffers, because he is humane and compassionate. Or another comes and tells you that his Credit is at Stake, and that if you don't pay him he must be ruined ; you have promised your Friend, will you deceive him ? You have contracted a Debt which you are called upon to pay, and if you do not, you do an irreparable Injury, can you bear the Thoughts of that ? Act as you please, you incur a Guilt, which every Person, who is not dead in Trespases and Sins, must shudder at the Thoughts of.

Dreadful are the Methods, by which Men in this State endeavour to stifle Reflection : Sometimes they give up themselves to Diversions, which add to the Expence, and consequently to the Disease. Sometimes to Drunkenness, which deprives them of their Understanding,

standing, and then of their Life. Sometimes they lay violent Hands upon themselves, and inflict that Punishment which they think they deserve from a Judge. Sometimes by unjust Gains, and Deceit, or by open Rapine, and Violence, they endeavour to procure Money to discharge their Debts, are detected, and brought to an untimely and ignominious End. And if the Person be in high Life, it is frequently attended with much worse Consequences; he is ready to sell his Country for Hire, to enter into any Plots or Conspiracies to disturb the Peace of it; in Hopes that in a general Confusion he may enrich himself with the Spoils of others. Every Age produces Examples of Attempts made by such as these, and almost every Revolution we read of in History, owes its Success partly to them; so that it would be perhaps as prudent a Method, to secure the Peace and Stability of a Government, as could be taken, to exclude all Persons in Debt from any Part of the Administration.

No Crime is immediately attended with severer Punishment than this; *the Rich ruleth over the Poor, and the Borrower is Servant to the Lender*, Prov. xxii. 7. Many who have lent you Money, think you can never dis-

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charge

charge the Obligation. The Tradesman who has given you too long a Credit, thinks he has a Right ever after to sell you the worst Goods at the dearest Price, and perhaps that he does you a Favour, if he lets you have them at any Price. Not only they to whom you are, or have been indebted, think they may slight you, but others, whom you never had any Concern with, who by some Connection ought to shew you Respect, who have had Obligations to you, and perhaps contributed to your Ruin by partaking of your Follies : He who was a Companion at the Table, will not continue in the Day of thy Affliction ; in thy Prosperity he was as thyself, and was bold over thy Servants ; when thou art brought low, all these will be against thee, and hide themselves from thy Face, *Eccles. vi.* and join in the ill-natured Reflections, perhaps add to the unjust Calumnies that will then be raised against you.

For every Persons Mouth will then be open to accuse you ; the decent Appearance, which from your Station you may really be obliged to make, will give Offence : Any innocent Recreation, though seldom, and perhaps accidentally indulged, will occasion a
Reproach ;

Reproach; when you buy, you will be charged more than the largest Price for the worst Goods; the long Credit you have formerly had, will make them impose upon you thus, even when you pay ready Money. If for this Reason you go to other Places, you will be called ungrateful, though you have given for their Indulgence most exorbitant Extortion. Every Story that is reported of you, however false, will be believed; you have acted wrong in some Things, and the World has neither Leisure nor Charity to examine particular Accusations, but supposes you guilty of all. If any upon most exorbitant Interest lends you Money, he conceals his Gain, but proclaims his Goodness and your Obligation; he conceals, that in Effect he has made you his Slave; that for him you labour, and for him you live; and though he be paid more than his own, he will still think you can never give him enough; when you ask for what is your own, he will tell you it is a Gift, and will call you ungrateful; if you insist upon it, he will oppress you with all his Might.

Your Acquaintance will be shunned, and looked upon as dangerous; every body will be afraid you want to run into their Debt,

and think they have a Right to be rude to you, as if you already had. You will be deprived of the Pleasures of Friendship; when you are in Straights, you will be apt to ask unreasonable Demands of those you are acquainted with, particularly of those of whom you have the best Opinion: If you keep not your Word, you forfeit their Friendship; it is not every one that can understand what I mean, I know, I feel it, and they who understand it, will easily imagine, that the Agonies occasioned by such a Failure are beyond Expression. Such as not to feel, would be the Insensibility of a Stone, or of a compleatly hardened Wretch; and to feel as one ought, is a Torment more exquisite than the greatest Tyrant ever invented. Friendship is the greatest Comfort of human Life, but that is denied to one in Debt; he has trespassed against the Laws of Friendship, and is looked upon as unworthy of it.

If he meets with a Person in imminent and great Distress, though his Soul may be melted into Compassion, if he gives much he does an unjust Thing, if little, he still gives what is not own; he has been unjust, and therefore is it not permitted him to be charitable.

Add

Add to this the Uneasiness it causes in his Family, the Grief, the Distress, the Temptations it involves those in, whom he is by the strongest Ties obliged to protect, promote, and adorn. And the End of all will be a Prison ; the Horrors of that are not to be imagined by one that hath not seen them. A contracted and crouded Place, and sordid Filth and Nastiness, noisome and offensive Smells, and foul and corrupted Air, are not the only nor the greatest Horrors. There he will be debarred from a liberal Conversation : The Objects around him are Vice which he cannot reform, and Misery which he cannot relieve. Oh, from such a dreadful Situation may the good God deliver every worthy and benevolent Mind !

Another Degree of Offenders are those, who by unavoidable Losses, or perhaps a too great Kindness to, or Confidence in a Friend, are brought to Ruin.

This, if it happens in the ordinary Way of Business or Life, is really no Crime at all, but deserves great Pity and Compassion. But, if a Person out of an eager Desire of becoming speedily rich, borrows Money, without acquainting his Creditor with his Intention, with which for the Sake of great Profit, he

runs extraordinary Risks, and if he succeeds the Gain is his own, and his Intention is answered, but if not, the Lender must suffer, this surely is blameable. I am not well acquainted with Things of this Nature, and therefore shall not insist long upon it: This is evident, if Money is borrowed under Pretence, that no other Risk is run than the ordinary Course of Trade, or the Chance of Life, and yet a very great Risk be run afterwards, which the Lender was not aware of, and can get no Profit by, he was deceived, and consequently may be said to be defrauded.

You see then how dangerous it is to contract Debts; the Moment you become a Debtor you lose your Liberty, you cannot act with that Dignity which becomes you, you may expose yourself to Temptations of the greatest Crimes, which your Strength may not be able to resist; you deprive yourself of the divine Pleasures of Friendship, and all the Advantages which a prudent Advice can give, and bring upon your innocent Families innumerable Hardships, the Slights and Contempt of the World, and Disquiet and Uneasiness at Home, which may drive you to Despair, and bring upon you dreadful Dangers,

gers, which otherwise you would have avoided. But before I conclude this Essay, I shall take the Liberty of hinting at some Directions, which may be of Use to those who are in the unhappy Situation that has been described.

Do not be afraid to think seriously on your Affairs, and to consider what is the most likely Way to make you easy consistent with Honesty. Want of Thought first drew you into these Difficulties, and will still continue you in them ; but Reflection is so dreadful to some, that they will do any Thing to avoid it : They either abandon themselves to Pleasures, which adds to the Crime and to the Punishment ; and though it may banish Remorse for an Hour, it will return again with aggravated Bitterness ; or they strive to drink away all Care, as if to make themselves worse than Brutes, would compensate for having been thoughtless as Children.

However gloomy the Prospect may be, yet do not despair ; hope every Thing from a prudent Conduct, an honest Heart, and the Goodness of God. Some have from the Bitterness of Reflection been driven to lay violent Hands upon themselves, but this

is at once to deprive all you have injured of any Hopes of Compensation, to desert the Post your Maker has placed you in, and to rush into his Presence before he calls upon you, before you have repented of your Sins, and at the very Moment when you have been guilty of an Offence against him, without a Possibility of repenting.

Deliver yourself out of the Hands of Usurers at once; they will like a Canker, consume all that your honest Creditors ought to have.

Do not by any Chicanery endeavour to elude your Creditors; lay your Affairs truly before them, and offer them all in your Power freely to satisfy them, without putting them to any Expence for what they have a just Claim to demand. If any is so hard, as to insist upon more than an equal Proportion with the rest, that may not be in your Power to comply with, without justly offending your other Creditors, for they accept of a Composition, supposing that all share alike; but however, let not the Severity of your inexorable Creditor make you unwilling to discharge his Debt when you can, let him always have the same Offers that you make to others. It may perhaps be
asked

asked here, how far it may be right to make use of a Protection, which the Law in some Cases allows? I think it may be asserted, that a Man should never make use of a Protection to elude the Payment of a just Debt, if it is in his Power to pay it, nor should such a Protection ever be granted: But, if he is really willing to pay as far as he can, and an inexorable Creditor will not be contented with that, but insists upon more than he can pay, at least without injuring his other Creditors, I think he cannot then be blamed for making use of a Protection; and that it may be very right, that a Power should be vested in some Persons, to put a Stop to the implacable Resentment of a merciless Creditor. As, when an Act of Insolvency is past, no Man is blamed for taking the Benefit of it, if he gives up fairly all he has to his Creditors.

If from Compassion your Creditors accept of a Part instead of the whole, still look upon what remains unpaid as a Debt which in Conscience, though not in Law, you are bound to pay, when with any Conveniency you can. Avoid Expence as much as possible; your Station may oblige you to appear decent, but let that be all; Decency is seldom expensive, Ostentation is; nay, when
you

you are called upon by an Object in Distress, remember, till your Debts are paid you have nothing of your own: If the Scene be too moving to be resisted, you must give but little, and that as privately as possible, that there may not appear any Thing of Ostentation in it, which of all Things is the most unbecoming your Situation; nay even that little you gave should be saved, by abstaining from something, which otherwise it would have been allowable for you to have had. But tho' you cannot give Money, yet be careful not to stifle and extinguish the Principles of Benevolence within you; though Silver and Gold you have none, you may assist others by friendly Offices, by Advice or Instruction, or many other Ways that may offer. If you have given over borrowing, a Readiness to do this will be the most likely Way to free the World from the false Prejudices they have conceived against you, and to incline them to pardon you for the real Errors you have committed.

Be patient under the Reproaches and Sights that are cast upon you; you know you have done Ill, and therefore deserve Censure. Every Creditor whom you cannot pay has a Right to reproach you, and before you can
resent

resent the Severity of his Rebuke, you must make him full Amends for the Injury you have done him. If you cannot do that, you ought to make him some Reparation, by promoting his Interest, and recommending him as far as you can to others. Nay, you ought to excuse those who have treated you ill, though they have never been injured by you ; this is hard, but it is what the Gospel directs. You know your Conduct has in some Respects been very blameable, and they may believe it has been so in others ; and they must judge of you, and consequently will behave to you, according to the Opinion they have conceived of you, not according to what you really are. If you are inexorable to pardon the Injuries you receive from others, how can you expect any Clemency or Tenderness from them you have offended ?

Do not be so impatient to discharge your Debts, as to take any dishonest Methods to do it ; what makes you at all pardonable, is, that your Intention was not at first dishonest, but if you defraud or cheat, you forfeit your Claim to the Excuse. But above all, where your Country is concerned, let no Necessity tempt you to sell your Vote, and act contrary to your Conscience. A Man who does
that,

76 *On the GUILT and DANGER, &c.*

that, whatever his Station in his Country may be, does all in his Power to injure every Man in it; and the higher his Station, the greater is the Danger. Honesty in your Intentions and Endeavours will procure the Blessing of God, and tho' your Deliverance may be slow, it will be sure, and in Time you will be approved of by those who now condemn you.

Shun no Danger that you are called upon to meet, when it will be a Means to hasten the Payment of your Debts. This will convince all of the Uprightness of your Intentions, and the truly Benevolent will be reconciled to you. Bad Men may be longer your Enemies, because they love to find Fault, and to make others worse than themselves: But the Righteous is liberal in his Disposition, judges candidly of Things, and will be ready to assist where he thinks his Assistance will be of real Use.

E S S A Y

ESSAY III.

PART I.

On a PRISON.

*Blessed is he that considereth the Poor, the Lord
will deliver him in the Time of Trouble.*

PSAL. xli. 1.

THERE is a fine Criticism in Lord
Shaftesbury, which he borrows from
Casaubon and others, upon a Line
in *Juvenal*. The Roman Satirist had been
exposing the Folly and Vanity of those, who
boasted of their Ancestors Virtues, without
having any Merit of their own: Among
other Expressions against them, he adds this
Verse,

*Rarus enim ferme Sensus communis in illâ
Fortunâ ———*

The Expression *communis Sensus*, he says,
“ Is to be understood, to signify, Sense of
“ public Weal, and of the common Interest,
“ the

“ the Love of the Community, or Society,
“ natural Affection, Humanity, or that Sort
“ of Civility, which arises from a just Sense
“ of the common Rights of Mankind, and
“ the natural Equality there is among those
“ of the same Species.” It cannot be supposed, that Men of an high Rank, who generally have the Advantages of Education, should be more destitute of what is vulgarly called common Sense, than their Inferiors; but, that they often want the Feelings of Humanity; has been the Observation of former Ages, and is, I am afraid applicable to the present. The Parable of *Lazarus* and *Dives* gives us a strong Picture of this Kind: The rich Man while he enjoyed all the Delicacies and Ornaments that Wealth and Grandeur could supply, beheld, with a total Insensibility, the Miseries of *Lazarus*, without affording any Relief. And now, Men are apt, like the Priest in the Parable of the hospitable *Samaritan*, to stand aloof from him who is in Misfortunes; or, if they go near him, it is only like the *Levite*, to satisfy their Curiosity, and go away. They have too much Business of their own to trouble themselves with other Peoples. It was his own Fault—he has brought his Misfortunes
upon

upon himself, and therefore he must suffer for it. The Charge may be true, and yet the Application may be very cruel. When a Man is in great Distress, it is not a Time to accuse, but to relieve; or if you cannot relieve, at least be silent; and defer even Advice, till Advice can be useful.

The Scripture suggests to us many Motives, for shewing Regard to Men in the meanest Circumstances, and in the most unhappy Condition. *Being made in the Image of God, joint Heirs with Christ, and Inheritors of the Kingdom of Heaven*, from which no Station is excluded; which *Lazarus* could attain to, though *Dives* could not; should make us respect our Brother, however wretched and unfortunate he may be at the present. Nay even if he be a bad Man, yet some Regard is still due to the Dignity of human Nature. I think it is *Seneca* that somewhere says, when he had given an Alms to a very bad Man, and was told how unworthy he was of his Favours, that he did not give it to the Man, but to human Nature.

My Intention in this Essay, is, to lay before the Public some Observations I have made upon the unhappy Condition of those
Persons

Persons who are confined in Prison, whether it be for Debt, or for other Crimes: If this should come into the Hands of those who are in happy and affluent Circumstances, I wish they would say, as a Person does in Terence, "*Homo sum, nihil humanum alienum a me puto.*" Perhaps by relieving them, they may serve the Public. Their Endeavours will certainly give their own Minds a secret Pleasure and Satisfaction.

In treating upon this Subject, I shall consider the Cases, both of Prisoners for Debt, and of those who are accused of other Crimes:—Beginning with those that are Prisoners for Debt.

That a Government cannot subsist without Punishments, is too obvious to be denied; and it is as plain, that Punishments should not be inflicted without just Cause. The End of Punishments being threatened, is, to prevent Men from breaking the Laws; and of their being executed, to deter others from doing it. If the Punishment be slight, the Good of the Offender may, and should be consulted, as well as of the Public; if the Punishment be capital, then the Safety of the Community is only designed: Punishments

ments which have not regard to these, may be, are, very improper and useless.

Every Community must secure the quiet Possession of the Property of its Members, and the Recovery of it, if deprived of it either by Fraud or Violence: Hence it follows, that the Public ought to enforce the Payment of just Debts, in such a Manner, as will most conduce to the Safety and Welfare of Society, and the Establishment of Justice. Sometimes Men contract Debts with a Design to defraud; against these the Law cannot be too severe: Sometimes they are unable to pay the Debts they have contracted, from various Reasons: For these, the Law has given the Creditor a Power of imprisoning the Debtor: And it may be very right for the Creditor sometimes to make use of that Power; and sometimes it may be the highest Cruelty. If a Man denies the Debt; if a Man can pay it, and will not; if he will not take such Methods as are in his Power to enable him to pay it hereafter; if he still continues to be extravagant, and add to his Debts instead of lessening them; in all these Cases, it is very right for the Creditor to take such Methods as the Law prescribes for recovering his Property: 'Tis even doing

Justice to Society — but where there is an Inability in the Debtor to pay, but a Desire of paying; where Imprisonment will debar him of the Power of paying the Debt, whereas Liberty might enable him to do it, surely it is absurd, it is cruel in a Creditor to confine him.

But it may be asked, must there be no Punishment for a Person, who by Vice, Extravagance, or Carelessness, has defrauded or injured another of his Property? Must he be set free because he is not able to pay, without any Punishment at all? This surely would be very detrimental to the Public, and an Encouragement to Vice and Debauchery! This must by no Means be. Let it therefore be considered, how far a Prison is necessary for this End, and whether other Punishments may not be found out, which are more likely to redress the Creditor, to prevent Offences of this Kind, and to be a Benefit to the Public.

Whenever a Person is obstinate or fraudulent, a Prison, or rather the Gallows, is absolutely necessary: But where a Man would really pay his Debts if he could, tho' he may deserve Punishment for contracting them, yet the Punishment should be such as is the
most

most likely to enable him to do Justice to his Creditor : A Prison takes away all Possibility of this ; he becomes an useless Member, a Burthen to Society ; if he was at Liberty, perhaps he might be able to do something for his Creditor, and be beneficial to Society.

There are in *London* Courts of Conscience erected, for the Recovery of small Debts under forty Shillings : Suppose these Courts should be established all over *England*, and the Sum cognizable be enlarged to five Pounds, and the Proportion to be paid weekly or monthly, to be settled by two Justices in the Neighbourhood : Would not this be better than sending a Man to Prison ? Suppose when a Creditor complained, Notice was given him to appear ; and to all his other Creditors likewise, to make good their Demands ; and the Justices be allowed to fix such a Proportion of his daily or weekly Gains, for the Payment of his Creditors, leaving him a scanty Allowance for the Maintenance of himself till his Creditors were paid, if it could be done within the Compass of a Year ; if it required a greater Time than that, then the Judge of the Assize to settle it in a summary Way, when he comes

the Circuit : And public Notice to be given to all who employ such a Person, to deduct so much of his Wages as was allotted for the Creditors.

If the Debtor be a Tradesman, then it should be left to his Creditors to determine which would be the most likely Way to enable him to pay them ; to sell all his Stock at once, or for him to continue in his Business, and they to appoint proper Persons to inspect his Books daily or weekly, and to deduct Part of the Profits for the Creditors, leaving Part for his own Maintenance ; and to continue this till his Debts were paid, provided it was not longer than five Years ; for a Man should not be a Slave all his Life : And such a Proportion of Maintenance should be allowed to him, as would force him to be frugal, but encourage him to be honest.

It may be objected, that such a Notice as this without an Arrest, would give him Warning to quit the Country : If he does, he should be immediately outlawed, and sent to Prison as soon as he could be apprehended. And by this Means, the great Expence of a Statute of Bankruptcy might in most Cases be avoided. Indeed as the Law is practised now, the Expence of Writs, Arrests, Statutes

tutes of Bankruptcy, &c. so swell the Debt that the Debtor is never able to discharge it; and the Attorney runs away with all the Debtor's Effects, which the Creditors should have.

Mr. *Fielding* somewhere mentions as a Thing that he knew to be true, a Debt of sixteen Shillings and Six-pence that a poor Clergyman owed, that was mounted to two and thirty Pounds, by the Villainy of an Attorney. It is generally understood, that a Person cannot be arrested for any Sum under ten Pounds; the *Exchequer* and *Marshalsea* however, do issue Writs for smaller Sums; whether they have a Right to do it, or no, I know not: But by these Means trifling Debts are swelled to such large Sums, as the unhappy Debtor is never able to pay. The Expence of recovering Money by the Methods I propose, might be made very small: A Summons left at the Person's House, or with the Constable of the Parish; a Proclamation in the Parish, and in the next Market-Town, and an Advertisement in that News Paper, which is most commonly read in those Parts, might be sufficient to oblige the Debtor to appear, or to be deemed an Outlaw; provided he was

not gone Abroad before any such Summons was sent to him.

But here Care ought to be taken, that if a Person's Effects are sold, or Trustees appointed to look over him in his Business, the Accounts should be made out as soon as possible in the former Case, and in the latter the Trustees should be obliged to give in their Accounts every six Months, and pay to each Creditor his Proportion. I have known Instances in Statutes of Bankruptcy, where if Things had been settled at first, ten or twelve Shillings in the Pound might have been paid; but by delaying the Payments, fresh Expences have occurred, and the Dividend been lessened to less than five Shillings in the Pound, and even that perhaps has not been paid, but been kept by the Trustees or their Agents. The same Thing has happened in the Distribution of Prize Money; where the poor Sailors have been kept for Years out of their Money, and their Shares dwindled into a Trifle, and perhaps at last defrauded even of that.

But suppose the Debtor is not in any Trade, but has a Place, or Income for Life, what then is to be done? I think if it is right, customary, and lawful, the Place or Annuity

Annuity should be sold for the Satisfaction of the Creditors : Or, if there be a Probability of his being advanced to a higher Post, if he continues in it, the Creditors should have their Choice whether they would have him continue in it, reserving to themselves such a Portion of his Income, as shall be deemed by the Judge proper ; and a further Increase of it, in Case he gets a more advantageous Post.

Suppose an Officer is on Half-pay, and in Hopes of getting a Commission, or of being advanced to an higher Post : It would be very hard, it would be cruel to force him to sell out ; which would hinder him from all future Advancement, and by that Means perhaps render him incapable of ever discharging all his Debts. Surely Humanity and Prudence would make it more adviseable to let him continue on the Footing that he is, deducting a Part of his Pay, for the Payment of his Creditors, and leaving him enough to maintain himself with Frugality, in hopes of his future Advancement, when a further Addition may be made to what is allotted both to him and his Creditors.

Suppose a Clergyman should be the Debtor, whose Preferment cannot, ought not to

be sold ; Then I think he should be obliged to give in an Account upon Oath of the full Value of his Livings ; such a Proportion should be allowed for serving the Cure and his own Maintenance, and the rest reserved for the Creditors. But then it will be more for the Advantage of the Creditors, that he should be at Liberty than sent to Prison ; for if he serves the Cure himself, what is allowed for serving the Cure may be sufficient for his Maintenance : Whereas if he is sent to Prison the Curate must be paid, and something must be allowed him to subsist upon. It will perhaps be most for the Advantage of the Creditors, that the Clergyman should be allowed to make the Agreement with his Parishioners, because he may be a better Judge, and would certainly take more Pains to enquire what the Value of every Man's Tythes is, than any Trustees appointed by the Creditors ; provided however, that he does not lessen the Value of the Living upon the whole ; and that he lays before the Creditors every new Agreement that he makes, and the Reason of the Alteration.

It may happen, that a Man may be married to a Woman, whose Fortune is by Marriage Articles so settled upon her, that neither

ther he nor his Creditors can touch it: In such a Case I should think, that as a Husband is obliged to maintain a Wife, so now the Wife should maintain her Husband; and even if the Fortune will allow it, something should be given towards the Maintenance of the Children, and that the Allowance to the Husband out of his Gains or Income might be made less; but still this should be done without any Diminution of the Principal, only out of the Interest of the Wife's Fortune.

But here I think it would be fair, that if the Person is obliged to sell his Annuity or Place, and give the Produce of it to his Creditors, he should immediately be free: It will be hard to make a Man sell all that he has, and yet make him a Slave, or a Servant. And if a Person puts his Living or Income into Sequestration, it should not continue above five Years, and no Interest should be paid for any of his Debts, except it be for an Estate that is mortgaged, from the Time that he has given up his all to his Creditors: It is hard to keep a Man in Bondage all his Life; and during that five Years, he should be confined not to go further than a few Miles from the Place where he lives; only if a Clergyman has two Livings, he should
be

be allowed to go from one to the other, but not to go a great Distance from both. If by the Sale of his Place or Annuity, or by the Sequestration of his Living, his Debts are not fully discharged, there should still be some Restrictions put upon him, to put him in mind, that if ever he is able, as an honest Man he is obliged to pay the Remainder, tho' his Creditors cannot sue, or molest him for it. He and his Family (so long as they are maintained by him) should be obliged to be remarkably plain in their Dress: No foreign Silks, no Gold or Silver Lace, except he be an Officer in the Army or Navy, no Livery Servant or Equipage; he should be debarred from having any Vote in the Election for Members of Parliament; from being made a Magistrate in any Borough, or a Justice of the Peace, or standing Member for Parliament; for it is not to be supposed, that he has any Property of his own, who has not fully paid his Debts. Nay, if his Children inherit any Thing from him, they should be laid under the same Restrictions, unless they pay the Father's Debt. I have known an Instance of a Person who broke, compounded for Half a Crown in the Pound, which he

he never paid, kept his Coach and four, stood, and was elected a Member of Parliament: What could excuse such a villainous Proceeding? Or what can we think of the Folly of his Electors?

We have of late seen a remarkable Piece of Effrontery, not to be paralleled in the most degenerate Times of the *Romans*. By the Laws now in Being a Person who stands Candidate for Knight of the Shire, must swear that he has an Estate of six hundred Pounds a Year clear, and produce the Writings in the House; yet we have lately seen a Subscription opened for the Payment of the Debts of a Person, who at that very Time offered himself a Candidate for a County, and to the Reproach of the Electors was chosen. Was he really unable to pay his Debts? How could he then stand for the County? Or had he an Estate of six hundred a Year clear? How could he then desire Assistance to pay his Debts? Or was the Estate to be fraudulently conveyed to him to give him a specious Title to a Qualification? That must reflect the highest Dishonour upon the Person who gave him such a Qualification, and must surely make him very unfit to be a
Legislator,

Legislator, who could thus trifle with an Oath in order to evade the Law.

We have within a hundred Years seen three Demagogues, who were the Favourites of the Mob in their Time. *Titus Oates*, who was a Tool of Lord *Shaftebury*, in the latter End of the Reign of *Charles* the Second ; who poisoned the Minds of the People with imaginary Fears of Popery (for in that Prince's Reign there certainly was no real Danger) and Popish Plots ; and though his Perjuries were evident to any cool and considerate Person, yet the People were so infatuated, and the Judges so intimidated, that many innocent Persons were found guilty and executed, to the eternal Reproach of the Nation. In *James's* Time he was convicted of Perjury, and his Sentence executed with Severity upon him ; but in King *William's* Time he received a considerable Pension as a Reward of his Villainy. The next Demagogue was Dr. *Sacheverel*, and High Church and *Sacheverel* was the Word ; this was bellowed out loudly by those who never went to Church at all : After his Sentence, he went round *England* amidst the Shouts and Acclamations of the Populace, and after his Suspension was expired, he was presented to one of the best

best Livings in *London* : Had he been tried for false Grammar and Nonsense he certainly was guilty, and he shewed a weak ungoverned Zeal ; but Posterity will be amazed, if his Sermons are transmitted to them, that they could be thought worthy so much Attention and Ceremony from both Houses of Parliament. And now the Cry is *Wilkes* and Liberty ; Liberty to do what ? to vote for *Wilkes* if you please, but if not, you shall have no Liberty to vote at all ; to illuminate your Houses upon the Success or Birth-day of Mr. *Wilkes* ; and if you wont, Liberty to enter your House forcibly without a Warrant, to break your Windows ; Liberty to ridicule and blaspheme the Religion of your Country ; to asperse and calumniate the noblest and most worthy Personages without any Proof ; to threaten the Magistrates in the Execution of their Office ; and to endeavour to set the Nation at Variance, and kindle the Flames of a Civil War, and to give the Lye to Majesty itself. *Hic tamen vivit, Vivit & in Senatum venit. O Tempora ! O Mores !*

There was, just before the Destruction of the *Roman* Republic, a Character which in many Parts very much resembled that of a
modern

modern Patriot. *Clodius* was a Person of the most vicious and profligate Morals, and indecently ridiculed the Religion of his Country; a dangerous Conspiracy had been formed against the State, and was upon the Point of being executed in the Consulate of *M. T. Cicero* and *C. Antonius*: The Consuls, and most of the Senators were to be murdered, and the City set on Fire in several Places; this Conspiracy was detected, and the Execution of it prevented by the Vigilance of *Cicero*; he acquainted the Senate of the Information that he had received, and a *Senatus consultum* was made, that the Consuls should take Care that the Republic suffered no Harm, which gave the Consuls a most extensive Power; some of the Conspirators fled to *Hetruria* and the adjacent Countries, to levy Forces, while others staid in the City to be ready to join them when they approached near. *Cicero* being apprized of their Design, seized the principal Conspirators that remained in the City: Their Guilt was fully proved before the Senate, who decreed that they should be put to Death, and by that Means the Republic was delivered from the impending Danger. *Clodius* was disgusted at *Cicero*, because he had appeared

as a Witness against him in a Court of Justice, where he was tried for Profaneness in violating religious Rites, he therefore excited the People against *Cicero* for putting to Death a *Roman* Citizen, which was against a Law, that enacted, that no *Roman* Citizen should be put to Death, but by the Suffrages of the People; but this Law had never been thought binding in Cases when the Republic was in imminent Danger, and the Senate had decreed that the Consul should take Care that the Republic should suffer no Harm; but the Cry of Liberty, the Lives of the Citizens, and so forth, was so strong, that *Cicero's* Friends shamefully forsook him, and he was banished for preserving his Country from Ruin, his Estate forfeited, and his House razed: A modern *Clodius*, had most shamefully abused the Liberty of the Press into the grossest Licentiousness, and was at that Time publishing Papers of a most infamous and execrable Nature, of which the Ministers of the King had received Information, and as had been customary in such Cases, and never been objected to, granted a Warrant to search his House; the Event justified their Suspicions, there were found not only seditious but blasphemous Papers publishing: From

hence the grossest and most virulent Invectives are spread against the King and his Ministers, as if the Liberty of the Subjects was in the greatest and most imminent Danger, and *Henry VIII.* or *James II.* was upon the Throne, and not *George* the Mild and the Benevolent. After so clear a Detection of the Guilt and Wickedness of the Man, what must we think of the People, who still continue to make him their Idol, electing into Offices, in which his Crimes have made him incapable to act, and compare, nay prefer him to their most gracious Sovereign, audaciously crying out, No *Wilkes*, no King!

But it may be said, why are these Restrictions laid upon a Man after his Creditors have given him a Discharge? Is any Thing freer than a Gift? His Creditors have remitted their Debts, why then should these Prohibitions be laid upon him? To this it may be answered, that there is a great deal of Difference between a Gift voluntarily made, and one that is given out of Compassion rather than hurt the Person who receives it; and may rather be called a Remission, than a Gift. The first leaves no Debt but one of Gratitude; but notwithstanding the other, there may still remain a Debt of Equity:

Equity: And it is easy to know, whether it is a voluntary Gift or not. Let the Debtor ask himself, whether he thinks his Creditor would have given him the Money, in Case he had not owed it him? The Answer will determine the Point: If he is sensible that he would not, then it still ought to be considered as a Debt in Equity, though not in Law, if ever he is in Circumstances that will enable him to pay it: This may be thought hard, but what I propose by this Essay, is, to offer some Rules for the preventing of Fraud, and yet to restrain the Cruelty of an implacable Creditor.

But suppose a Person should be in Debt, who was never bred to any Business, but as a Gentleman, or more properly as an idle Man: How is he to give any Satisfaction to his Creditors, or what is to be done with him? In the East, every Person, even the Prince upon the Throne, must learn some Trade or Art. After the Battle of *Pultowa*, the *Swedes*, who were made Prisoners there, were sent to *Siberia*, where the common Soldiers began to employ themselves in those Arts or Professions which they had been formerly bred to; but the Officers being entirely ignorant of any such Thing, were forced to

H

become

become Servants to those whom they had formerly commanded, and to be taught of them the Means of getting their Livelihood.

If a Man has contracted Debts, and has no Ways to make Satisfaction to his Creditors, he must suffer Imprisonment as a Punishment for his own Folly, as well as the Neglect of his Parents. Perhaps he has considerable Connections, who will pay his Debts, rather than suffer him to lay in Prison, which reflects a Sort of Infamy upon them. If he is a young Man, this may very probably be the Case, but decrepit old Age is slighted, is forgot, and must expect Relief or Assistance from few. And this may be a very good Reason for a Creditor to arrest the Debtor; the Debtor's Relations are able, and ought therefore rather to sustain the Loss than the Creditor, who may be a Stranger. Or perhaps they are able to procure him some Post or Employment, at Home or Abroad; then surely it will be most for the Interest of the Creditor to give him his Liberty, under the Restrictions before mentioned; but if none of these can be obtained for him, what must be done then? Is not the Debtor to be punished at all? Perhaps the Creditor may think he has been ill used,
either

either in the Manner in which the Debt was contracted, or in frequent Disappointments after Promise of Payment; alas! Disappointments of this Kind are the unavoidable Consequences of Debts: A Prison pays no Debts; the Law must put the Debtor into the Creditor's Power; a moderate Use of this may be very right, but the Creditor must take Care not to abuse it, lest what the Law very justly decrees to be a proper Punishment here, may by the Rigour of the Creditor be extended so far, as to be unpardonable at the great Tribunal hereafter. And here let me observe, that to imprison Smugglers where they can do nothing, is a very great Absurdity: They have defrauded the Public, which certainly is a very great Crime, but by being imprisoned, they become a Burthen to the Public; how then are they to be punished? By being employed in some very laborious Work, for the Benefit of the Public, for a limited Time, but never exceeding five Years: If their Crime be such as deserves a greater Punishment than that, it should be Death. It may be said, that this is making Slaves of Men, and Slavery is inconsistent with the Birthright of an *Englishman*; it is better to be employed in hard Labour here,

than to be sent Abroad. And I think it is a Truth that cannot be denied, that it is the Interest of every Government not to suffer a Person to live in Idleness, who has not a Fortune to support himself.

But if there be any Persons imprisoned, whom their Creditors did not think it safe to trust with their Liberty, for fear of their running away, some Work might be found out to employ them in, Part of the Profits of which might be towards the defraying of the Goal Allowance, Part given to their Creditors, and Part at their own Disposal.

ESSAY III.

PART II.

On a PRISON.

*Rarò antecedentem scelestum
Deferuit pede pœna claudo.*

HOR.

A Person who has never seen a Prison, would form a very different Idea of it from what it really is; he would think it must be a House of Mourning, that Persons who were confined there for Debt would be inclined to pity each other's Misfortunes, and desirous to alleviate them by all the mutual good Offices in their Power; and that Criminals would be brought to a Sense of their Danger, to a Recollection and Repentance of their Crimes: But it is very far from being so: As soon as a Prisoner comes in, he is called upon for Garnish, which if he is not able to pay, he is treated in a very rough Manner; the Money is laid out in Liquors, and not in Suf-

tenance, and you frequently hear the loudest and most intemperate Mirth, the most profane and impious Execrations and Oaths, and the grossest Obscenity ; the Prisoners instead of being touched with Pity and Compassion for one another's Misfortunes, are apt to contract a narrow and selfish Way of thinking, even more narrow and confined than the Place they are in ; and this, and a Habit of Intemperance, are with the greatest Care to be guarded against. And the Criminals instead of reforming, harden themselves in their Guilt : The Veterans boast of their Exploits to the Boys, whose Minds are by that Means corrupted, and they long to be as great Heroes as they are : After Condemnation indeed, they may shew some Signs of Repentance ; they are told, that the Mercies of God are great, and if their Repentance be sincere it will be accepted ; but what is said to keep them from Despair, hardens and encourages the others in a Course of Wickedness : And they think a few Days, a few Hours Repentance, will be sufficient to atone for a long Course of Violence and Rapine.

It would well become the Legislature to consider, whether this could not be put a
Stop

Stop to, and a Prison be made a Place of Reformation, rather than Corruption.

I have before observed, where the Punishment is not capital, the Good even of the Offender ought to be consulted, as well as of the Public ; and such Punishments should be inflicted, as are the most likely not only to deter others from committing the like, but also to reform if possible the Offender for the future.

Extravagance and Idleness are the two principal Causes that tempt Men to rob, steal, and pilfer : Love of Pleasure is the Characteristic of the Age ; young People in general are too fond of Diversions, and in the Metropolis there are so many enchanting Amusements, that it is very difficult for a young Man to keep within the Bounds of Moderation : To consider how far they might and should be restrained, would carry me much beyond the Intention of this Essay ; I must remark however, that the Love of these Amusements is communicated to the Country, and reigns in some Degree over all the Kingdom : This occasions so many Highway Robberies, Frauds, Bankruptcies, and every other Species of Deceit and Injustice.

Where the Crimes are capital, they must be capitally punished : But in small Pilferings it often proceeds from Idleness as well as Extravagance. There it should be considered, what is the most likely Way to prevent Idleness. The *Jewish* Lawgiver ordains, that a Man who has stolen an Ox, or a Sheep, should restore four or five Times the Value to the Owner ; this is surely a much more sensible Way than the Punishments now practised among us. If through Idleness a Person has stolen, make him Work hard and fare hard, till he has restored four or five Times the Value to the injured Owner. During that Time he must be confined in Prison, but he should not be confined in Idleness. If he cannot restore it in this Manner to the Owner in a Year's Time, the Offence should be made capital, and punished at once with Death. All Frauds and Embezzlements of a Servant to his Master, Breach of Trust, Cruelty or Barbarity in any Robbery, breaking open an House, and Forgery, are Crimes so hurtful to Society, that they should be capitally punished, and the Punishment inflicted as soon as possible after Condemnation : For which Reason it is much to be wished, that the Assizes were held four
Times

Times a Year, and that small Offences might be cognizable by the Justices. Perjury is another Crime of a dreadful Nature, but by the Cunning of some, and by the insidious and perplexing Questions that are shamefully asked by Lawyers, even in a Court of Justice, a very honest Man may be drawn into Perjury, when he thinks of nothing less. Where it is plainly wilful and premeditated, it cannot be punished too severely: But an Evidence examined on Matter of Fact which happened some Years ago, may differ, may be uncertain in his Evidence, from Want of Memory, and a confused Recollection of what past: It would be hard to punish such a Person with Death, or even to punish him at all: The Court must judge of it as it appears to them, but if there be any Doubt of it, the favourable Side should be taken.

A Prison, as Things are ordered in it now, is a certain Corrupter of all young Persons that come into it; it encourages, it inures, it hardens them in Vice; they have nothing to do to employ their Time: Boys that come in are lost in Idleness, the Ignorance of many of them is more gross than could be imagined by any Person that has not seen it:
They

They hearken to the Stories of the older Felons with Pleasure, they think their Boldness, Bravery, their Cruelty and Brutality, fine Sport, and resolve to follow their Example, the Fear of Punishment totally vanishes, or is greatly lessened. If a Criminal is going to Execution, and has been able to arrive at a State of brutal Insensibility, he becomes the Object of Admiration and Emulation to too many of the Spectators.

*Beneath the left Ear so fix but a Cord,
A Rope so charming a Zone is ;
The Youth in the Cart has the Air of a Lord,
And we cry there dies an Adonis.*

I would not derogate from the Merit of Mr. Gay's Opera, which has certainly a great deal of Wit and Humour in it ; but there is one Song that I wish was left out, because I am sure it has done a great deal of Mischief : 'Tis that Song which is sung by the Thieves in Chorus, when they are preparing for their Enterprize, *Let us take the Road, &c.* this, sung to a lively and animated Tune, has made many an Highwayman.

Another Thing let me observe, that the Terror of Punishment is lessened as much as possible, by the Manner of Execution, whereas
it

it should be heightened. Torture should never be used, the Dignity of human Nature forbids it, but the Punishment that is actually inflicted, should be made as terrifying to Beholders as possible : Instead of covering the Face with a Cap, it should be exposed ; the Corpse should be brought back to Prison, and all the Felons in the Prison be called to look upon it. The proper End of capital Punishment is, to deter others from offending, and this surely is the most likely Way to do it.

But here I must observe, this Method is not to be used to any Criminals but Felons : Rebelling against the State is a very great Crime, but still there may sometimes happen some Dissentions in a State, where the Case may be very intricate to decide which is in the Right ; and there may be honest and good Men on both Sides ; whoever is victorious, will call the other Side Rebels ; and there may be such a Number of them, and the Rage of Civil War is so furious and violent, that it would be extremely cruel and fatal to the State, to encourage Severity or Frequency of Punishments.

Another Reason against exposing State Criminals in this Manner is, that sometimes
it

it might be very dangerous. If the Person executed happens to be the Favourite of the Mob, the Expofal of his Body might kindle a Flame in the Multitude, that might rage with fuch Violence, as to be as fatal as the expofing *Cæſar's* Body was to *Brutus* and *Cafſius*. Perhaps therefore it would be better to puniſh State Criminals as they do in *France*, by Torch-light or in the Priſon.

I have often thought, that the Punifhments of *Ravillac* and *Damien* were very cruel and blameable; they were guilty indeed of the moſt atrocious Crime. *Henry* the Fourth was one of the greateſt, one of the moſt humane Princes that ever fat upon the Throne of *France*; and *Lewis* the XVth has never governed in any cruel and tyrannical Manner, and one would have thought could not have been in Danger of any Aſſaſination; but ſtill out of Reſpect to human Nature, and to the Image of God, Death without thoſe exquisite Tortures ſhould have ſufficed. It may be ſaid perhaps, that they were tortured in this Manner to make them confeſs their Accomplices: Confeſſion extorted by Torture is not to be depended upon. The Story of the old Tyrant is well known; one who had conſpired againſt him being
put

put upon the Rack, and commanded to discover his Accomplices, impeached one after another all the Tyrant's firmest Friends, whom the Tyrant in his Fury ordered to be immediately executed; he being asked if he had any more to accuse, answered, none but the Tyrant himself.

As for Persons who are committed for Assaults, and the like, they should be treated in the same Manner as Pilferers, be made to work hard in the Prison till they have made what shall be thought a sufficient Compensation to those whom they have assaulted, and to give Security for their future good Behaviour.

As to Criminals that are condemned to suffer Imprisonments for Offences against the State, I will not presume to offer any Thing; to give them Liberty may sometimes be dangerous to the State, and therefore they must be confined: It would perhaps be wise to confine them in a Place remote from the Capital, and when the Safety of the Public is sufficiently consulted and provided for, the Rigour of Punishment might perhaps be abated.

What I have endeavoured to shew in this Essay, is, that a Prison is not always the
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most proper Punishment either for Debtors or Criminals : It may not be improper perhaps to conclude with suggesting some Regulations which might make a Prison more useful to the Public, more tolerable to the unhappy Prisoners than now it is.

I shall lay down this as an undeniable Maxim, that Idleness ought every where to be discouraged in a State, and particularly in a Prison, because it is often the Cause that tempted young Persons to run in Debt, steal, and pilfer : Therefore some Employment should be found out for every Person in Health that is confined for any of these Causes, having some Regard however to the original Stations and Education of Men.

It is to be wished likewise, that not only the Debtors and Felons were separated, but even that young Persons who are accused of Felony, and have not been convicted, might not be permitted to associate with those that have ; it is scarcely possible to avoid being corrupted in such Company, especially considering how ignorant most of them are in all the Principles of Religion.

Religion is the proper Support of all Morality. If any Thing can prevent or reform Vice, it is a due Sense of that as delivered
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in the Gospels : 'Tis there so plain, so easy, so congruous to the Dictates of Reason if attended to, that I cannot but think that there are few who are so hardened, that may not be reformed by it, when plainly taught, especially when they are removed from the immediate Temptations of Vice ; and therefore there should be in every Goal a Place for public Worship, and a Chaplain appointed with a decent Salary, not less than an hundred a Year, and an House in or near the Goal, where he should constantly reside, and regularly attend his Duty every *Sunday*, and on *Wednesdays* and *Fridays* at least. And if the House is not within the Goal, there should be a Room allotted for him in it, where he might discourse with any Prisoner alone. And it should be his Duty to exhort the Criminals privately as well as in public to Repentance, and to lay before them the Necessity of Repentance ; and that the strongest Proof they can give of the Sincerity of it, was a full and clear Confession of all their Accomplices, whether they were the Accomplices of their Crimes, or the Receivers of their stolen Goods, and the Places where they were harboured ; with this Restriction however, that if the Criminals

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them-

themselves could not be persuaded to appear as Evidences, their Confession should not be given as Proof against their Accomplices, but only made use of to apprize the proper Magistrates of their Guilt, that a watchful Eye might be kept over their Conduct; and by this Means other Proofs may be found of their Guilt, they may be more easily detected and brought to condign Punishment, which would be of the greatest Service to the Public. Nay I would go farther, to encourage Men of Merit to undertake this disagreeable Task: I think where their Behaviour is approved of, they should be recommended to the Chancellor, and four or five of them be provided for every Year by Livings in the Crown Gift. As Things are at present, a small Salary is given, few Persons care to accept of it, or if they do, the Performance of their Duty is too much neglected; they undertake the Care of other Churches besides, they come but seldom to Prison, and perhaps when they do come, not on the Lord's Day, by which Means the Regard to that Day is forgot.

That better Order and Decency may be observed in the Goal, it would be very right to have little Courts of Justice among themselves, and corporal Punishments inflicted
upon

upon Theft, Drunkenness, Swearing, selling their Cloaths, or any other Indecency committed in the Goal; the Sentence pronounced to be approved or mitigated by the Chaplain and Goaler, and to be laid before the Justices if required, or appealed against, and for the future such Sentence to be prevented if thought unjust.

The Prohibition of spirituous Liquors in the Goal is an excellent Law, and has prevented great Excesses: When Criminals are under Sentence of Death, no strong Liquors should be allowed them.

Some Provision should be made for the bare Subsistence of the Prisoners, who should not indeed fare sumptuously, but should not be permitted to perish either for Hunger or Cold. A Pint of Milk, a Quart of small Beer, an Allowance of Bread a Day, and Straw to lay upon, seem to be absolutely necessary, and therefore should be allowed by the Public. And what a Creditor is obliged to allow by the Laws, should be more easily and sooner obtained than it now is.

An Allowance for Fire in a public Room should be made both for the Debtors and Felons separately, if it can be done with

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Safety.

Safety. If the Debtors have more, it should be of their own providing.

Strict Care should be taken that no false Weights or Measures should be used in the Prison. A Felon may with Indignation think it is hard for him to be confined for a little Theft, when he sees Frauds practised unpunished by those that are in Authority. And Care should be taken likewise that the Prices of Things sold in the Prison should not be more than what they are sold for elsewhere, it being very hard that a poor Debtor should be compelled to pay an exorbitant Price for what is perhaps bad in its Kind, when he is frequently distressed how to get Money to subsist upon.

Proper Care should be taken to keep the Prisoners clean, to preserve Health in the Goal. What a Man eats or drinks is to himself only, but Cleanliness or Nastiness may affect others. When a Prisoner is committed therefore, it should be enquired into whether he has at least two Shirts, and if he has not, the first Thing that he works for should be to get them, and he should be obliged to wash one every Week.

In the Building or Construction of all future Goals, it would perhaps be right and proper

proper to have Cabins for every Prisoner on the common Side at least, such as they have in *Chelfea* Hospital, and a separate Apartment for the Sick. Not taking Care to keep the Prisoners clean, and to separate the Sick from the Healthy, have been the Causes of many fatal Distempers in Prisons. The Descriptions I have heard of Persons who have perished for Want of Cloaths to shift and cover themselves with, are shocking to Humanity, and a Reproach to the Community.

I have sometimes thought it providential, that the Court should be seized with the Goal Distemper, that they might be aroused by what they felt themselves, or saw others in their Situation feel, to use some Remedies to prevent that Calamity in others, which would otherwise have passed unheeded, unpitied.

A good Surgeon and careful Nurses should be provided for the Sick. If the County Allowance will not be sufficient for these Purposes, suppose a double Tax should be paid at all Turnpikes by those that travel on the Lord's Day : Indeed it is much to be wished, that all travelling upon that Day was forbidden, except in Cases of absolute Necessity. But this Age will not admit of

so strict a Regulation. Men do not attend to the Wisdom and Benevolence of this divine Institution; which is designed as a Day of Refreshment to the Poor, of Instruction to the Ignorant, and of Recollection to all.

ESSAY

E S S A Y IV.

On the DEARNESS of PROVISIONS.

He that withholdeth Corn, the People shall curse him: but Blessing shall be upon the Head of him that selleth it. PROV. xi. 26.

THE Dearness of Provisions which has been so long felt by all Ranks of People, has been the Subject of much Debate both in the Parliament and throughout the Nation; several Remedies have been proposed, but the true Causes have not been found out. This Complaint indeed, for the present, Providence hath removed, by the plentiful Crop which God hath blessed us with; but as we know not how soon we may have Reason to complain of Scarcity again, and as Evils are more judiciously guarded against when withdrawn from us, than when we are actually galled by the Smart; and as his Majesty hath very wisely

recommended from the Throne, to apply the best Precautions that human Wisdom can suggest for guarding against the Return of the late Calamity with the greatest Circumspection ; some Observations upon this Subject may not be unuseful now, and tho' much be repeated which hath been already said, yet some Things may be proposed which have not hitherto been suggested. The Scarcity which *France* now complains of may be transferred to us, if proper Care be not taken to prevent it.

Some of the Causes of the Dearness of Provisions are such as perhaps ought not to be obstructed. The great Quantity of Gold and Silver which hath been imported for some Years past, necessarily enhances the Price of every Thing else. Money is as much a Commodity as any other Thing, and when that is plentiful, more of it must be given in exchange for other Commodities ; this cannot be hindered, unless Commerce is restrained, which it would by no Means be prudent to do ; some may be hurt by this at first, but the Whole receives benefit by it : The Persons who reap the first Advantage, are they who bring this Commodity in, and they have a Right to it, as a Recompence for their Toils and Hazards,

Hazards, but afterwards it is diffused throughout the whole Nation; as Food is received first into the Mouth, and then conveyed into the Stomach, and from thence diffused thro' every Part for the Vigour and Nourishment of the whole Body.

The great Rise of Estates is another Cause of the Dearth of Provisions; if a Tenant must give more for his Land, it is reasonable that he should put a greater Price upon the Produce of it; nor can it be said to be wrong that a Landlord raises his Rents, if he does it with Moderation; if Gold and Silver is so plentiful that the Value of it is lessened, a Landlord who receives his Rent in Money must raise it, or his Estate sinks in its Value.

Agriculture hath been much improved of late in *England*; it is but reasonable that the Farmers that have improved it, and are a most useful Body of Men, should reap the Fruits of their Skill and Industry: An oppressive Landlord is unjust and impolitic; if he raises his Rents, he should do it with such Moderation, as to give the Farmer Encouragement to exert his Attention and Labour in the Occupation of his Ground, otherwise his Landlord, though he be a Gainer at the

first, will in the End be a Sufferer by his Oppression : When a Tenant hath a hard Bargain, he hath not wherewith to improve his Land ; and if his Landlord raises his Rent, as soon as he hath improved it, he is discouraged from further Improvement : A reasonable Time should be allowed him to reimburse himself for the Money he hath laid out for Manure and mending the Land, and when a Lease is out, Regard ought to be had to a good Tenant, and he ought to have it renewed upon cheaper Terms than a new one ; To stock a Farm well of a hundred Pounds a Year will require seven or eight hundred Pounds ; and it should be considered that a Farmer must live a Year, before he reaps any great Benefit from his Ground, and must be all that Time at a constant Charge. Let it be asked then, what Profit a Tradesman in the City would expect from a Business which requires seven or eight hundred Pounds to set up with, the same a Farmer may expect to be allowed from his Farm : If a Tradesman in a City may make twelve or fifteen *per Cent.* for his Money, Land should be let to a Farmer at such a Rate as should allow him to do the same.

Corn,

Corn, Meat, Butter, and Cheefe have all been advanced in their Prices one third within these few Years; sometimes from the same Cause as in the two already mentioned, sometimes from different Causes, which deserve to be distinctly treated of. I shall begin with what relates to Cattle.

The first Thing which occasioned the great Advance in the Price of Meat, was the Distemper among the Cattle, which happened a few Years ago: This was not felt at first; for the Farmer, alarmed by Danger, brought his Cattle to Market to sell at any Rate, so that then Meat was cheaper than usual, but this made the Scarcity afterwards the greater.

Another Cause is said to be the great Plenty of Acorns that happened one Year not long since, which induced many of the Farmers and the Poor to kill all their Hogs for Sale, and for their Subsistence in the Summer Time, being fatted by the Acorns with very little Expence besides, but I believe the Number of Hogs would soon have been replenished, if another Cause had not prevented it.

Another Reason assigned for the Dearness of Provisions, is a dry Summer about four or five Years ago, when the Farmers were forced

forced to kill many of their Cattle before they were fat, and to offer very small Prices for Cattle that were brought from *Scotland* and *Wales*, which discouraged the Drovers from bringing a sufficient Quantity afterwards.

From one or other of these Reasons, and from the great Price that Corn bore, the Farmers were tempted to break up much of their Pasture Land, not only in *England*, but also in *Scotland* and *Wales*, which naturally advanced the Price of Cattle.

Another Cause of the Scarcity is the accumulating of Farms, which now prevails so much; one Man holds four, five, or six Farms, he can only reside at one himself, and puts Lookers into the rest: It hath been very justly remarked, that a Farmer if he pays his Landlord well, is the most independant of any Man in Business; his Commodities are of such a Nature, that he is not obliged to his Customers, but his Purchasers are obliged to him: But a Looker is really a Vassal, is liable to be turned off at an Hour's Warning, and must not disoblige his Master upon any Account, for fear of being discharged, because he hath a little more Pay, and a few trifling Advantages more than a common Workman.

Workman. If this Custom is not put a Stop to, *England* will soon be reduced to a State similar to that of *Italy*, in the Time of the *Gracchi*, cultivated by Slaves.

In Farms of twenty, thirty, fifty, or an hundred a Year, the good Women bring up Poultry, make Butter, and feed Hogs, the Pigs, Poultry, Butter and Eggs being chiefly their Perquisites; but if a Looker is put into these Farms he is restrained, he must not keep above two or three Hens at the most, and a Duck or two, but no Turkies nor no Geese; if he is allowed to fat one Hog or two in a Year, that is esteemed a great Indulgence; and if he is permitted to keep a Cow, that is a very great Favour indeed, even though he should live near to some Common; if the great Farmer breeds any Poultry, it is for his own Use, he is upon the Footing of a Gentleman, his Wife will not give herself the Trouble to make Butter or Cheese, except for their own Consumption; if they breed any Hogs more than they expend in their own Family, they are sent to *London*, and not sold in the Neighbourhood, except one or two to their Workmen; this necessarily makes a Scarcity of Pork and Poultry, and the Dearness of

one Species of Provisions must affect all the rest.

And here I cannot but observe by the way, that letting such great Farms is a very impolitic Thing in the Landlord, though it does not seem so at first: He does it, because his Money comes in all at once, he is not called upon for so many Repairs to his Farm-houses; a Looker must not presume to desire his House to be kept decent; and the great Farmer is indifferent what becomes of the rest of the Farm-houses, provided that which he lives in is kept tight and handsome, and the Landlord looks upon the Rent to be more sure in the Hands of a great Farmer than in a little one. But let it be considered on the other Side, that a Farm, or rather Farms, let for five hundred Pounds a Year to one Man, would let for much more, if divided into Farms of an hundred, or fifty Pounds a Year; there are ten Men that can bid for a Farm of fifty Pounds a Year, for one that can take one of five hundred, consequently an Estate which will let for five hundred a Year to one Man, might be let for six if divided into smaller Portions: A Looker is but a Servant, and will neither be so industrious or careful as if it was his own Farm;

Farm; if the Landlord is not called upon for so many Repairs at present, yet it will fall heavier upon him afterwards; the principal Farmer will not, and the Looker cannot lay out any Money towards keeping the Farm-house in good Condition, and it soon becomes no better than a ruinous Cottage: For the most Part there is enough upon the Premises to pay the Rent, but if a great Farmer should happen to break, then the Landlord may lose more at once than by the breaking of six or eight small ones. This may happen not only from unavoidable Accidents, but sometimes for Want of Care, and from Indolence of the principal Farmer; and if the Lease should happen to fall into the Hands of a young Man who is fond of Pleasure, he will live more like a Gentleman than a Farmer, keep a Pack of Dogs, and perhaps a Chariot or Post Chaise, and trust most of his Business to his Servants, without surveying it himself. Let me add one Consideration more, that a Gentleman who lets five hundred a Year to five or ten Persons, will have much more Weight in his Neighbourhood than if he lets it only to one, and if the Farms belong to different Persons, the Landlords may have no Weight at all; for if they

they should be opposite, they will destroy each other's Interest.

Another Reason of the Dearness of Provisions is, that the Farmers have been tempted by the Scarcity of Cattle to kill their Lambs between *Michaelmas* and *Christmas*, and sell them for Mutton, which they used to keep a Year or two longer ; this brings in a little ready Money for the present, but adds greatly to the Scarcity afterwards.

Another Reason that may be assigned, is the great Number of Horses that are kept for, and destroyed by, Post Chaises : A Horse, if moderately worked, would be serviceable twelve or sixteen Years ; but a Post Chaise will destroy a Horse in two or three Years ; this requires the Breed of Horses to be increased, and fewer Cattle to be kept. Add to this the great Number of Race Horses, which are of no Service in Agriculture. This affects the Price of Corn, as well as Meat, and well deserves to be attentively considered.

Some have objected to Parks ; but I cannot believe this to be the Reason of the Dearness of Meat ; all Parks are Pasture Grounds, not only Deer, but Black Cattle and Sheep, are likewise fed in them, and some Delicacies
may

may be allowed to the Rich, without any Prejudice to the Poor.

Another Reason is, the great Increase of Buildings and Inhabitants in *London*, and its Environs: Within these few Years many Fields, where Cattle were fed for Butter and Milk, are now made Streets, and the Consumption of both is greatly increased; this affects the Price throughout the whole Kingdom, but is very sensibly felt within eighty Miles of *London*.

It doth not appear to me, that the Butchers in the Country have been the Cause of the Dearness of Meat; I have known very few of them who have got much Money by their Business; I am told that the Carcase Butchers in *London* get a great deal; yet I should think, where the Market is open for every one to sell and to buy Cattle, the rich Butchers could not greatly injure the poor: Some Graziers have got great Fortunes. The Laws against Forestalling and Engrossing are, I believe, if duly put in Execution, sufficient to prevent such Practices.

I have now mentioned the principal Causes that are said, or appear to be, the Reason of the Dearness of Meat. I shall now consider why Corn is so dear; the Plenty of Gold and Silver,

Silver, and the Rise of the Rents, which have been mentioned already, affect Provisions of all Kinds ; how far this can be kept within Bounds shall be considered afterwards.

The accumulating of Farms is another Reason ; a Farmer of twenty Pounds a Year is little better than a Day-Labourer ; he hath constant Work indeed, and can employ his Children in Weeding, and other easy Works, and now and then can get a few Shillings of his Neighbours, when he has no Work of his own, but is seldom able to lay out much Money for Manure to mend his Ground. A Farmer of fifty Pounds a Year may be called a Master of a Family ; but these are generally under a Necessity of selling their Crops as soon as they can, for the Payment of their Rent, and Support of their Family ; it seldom happens that any of these can keep their Crop, or any Part of it, so long as *Midsummer*, after they have gathered it ; but Farmers of an hundred Pounds a Year, or more, act in a different Manner ; they keep their Corn till it is dear, and when it is dear they keep it, in hopes that it will be dearer ; when it is near twelve Pounds a Load, they send it Abroad for the Sake of the Bounty, and
Foreigners

Foreigners buy it Abroad for ten Pounds a Load, when the Inhabitants of the Country where it grows, are forced to pay twelve Pounds a Load for it : This surely is a Hardship which calls for Redress. It hath been computed that *England* produces, *Communibus Annis*, as much Corn in four Years, as will serve the Inhabitants five ; since that Computation was made, great Quantity of Pasture-Land has been broke up, and made arable ; how comes it then that Corn, instead of being cheaper, is so much dearer ? Various are the Reasons : I shall just mention them, the Remedies will be considered afterwards. A rich Farmer keeps his Corn longer than the Year, in Hopes that the Prices will still be advanced ; the Rats are the Avengers of the Poor, and perhaps when he comes to thresh his Corn out, where he expects a Load, he does not get a Sack : This I have known oftener than once to be the Case.

There have been very large Demands for Corn Abroad, and the Merchant, tempted by the great Profit, hath exported more than *England* could afford, after her Inhabitants were supplied.

Crops in *England* have, for two or three Years before the last, failed, and the Lands have not produced the usual Quantity.

The great Number of Race Horses, and Horses for Post Chaises, occasion a great Consumption of Oats and Beans, and that affects those Species of Corn.

The Distillery takes off in plentiful Years all the Overplus, except what is sent Abroad; and when the Crop falls short, the Deficiency is not soon enough perceived to put a timely Stop to that pernicious Consumption.

The Bounty paid, when Corn is more than eight Pounds a Load, is a great Hardship on the Poor. The large Quantity of Corn, which hath been imported, is still kept in the Granaries of the Merchants, and not brought to Market till it is decayed, in Hopes that either the Price of Corn may rise, or that they may export it afterward, and have the Benefit of the Bounty.

The additional Tax upon Malt and Beer is another very grievous Hardship on the Poor; it does not affect the Rich at all, but those only whom a wise Legislature would exempt as much as possible from Taxes.

The Miller hath occasioned the Price of Flour to be greatly advanced to the poor Consumer;

Consumer; about twenty or thirty Years ago the Miller was a Baker's Servant, or at least subordinate to him: Few Millers bought any Corn to make Flour of to sell; the Farmers and the Bakers sent their Corn to the Mill, and the Miller ground it; but now the Millers are very considerable Persons, most of the Flour consumed in *England* is sold by the Miller; if a Baker or a Farmer send Corn to the Mill, they must wait the Miller's Time for grinding it; if there hath been a new Mill-Stone, that will make the Flour gritty; or if Rye or Beans have been ground, that will make the Flour dark, and the Miller will take Care not to grind any Corn of his own, till that of others has cleaned the Mill: Or if the Miller has bought any bad Corn, he is under a strong Temptation to change or mix, when the Baker or Farmer sends him any good to grind, so that the Baker is obliged to buy his Flour of the Miller, or else it would not be so good, and even the Farmer finds it better to buy his Flour of the Miller, than to use the Produce of his own Land: If the Markets rise, the Miller immediately advances his Price; if the Markets fall, he will say he bought the Corn dear, and therefore

he must sell the Flour dear, so that the Consumer suffers from the least Advance of the Market, but does not find any Benefit, at least for some Time, from the Fall of it. The Millers buy their Wheat of the Farmer, and sell their Flour afterwards to the Consumer, and of Consequence must have a Profit by it; and the Manner in which they live, and the Fortunes they have acquired, shew that their Profit is very considerable.

To this may be added, that if a Housekeeper would make his own Bread, the Baker will not bake it unless the Housekeeper buys his Flour of him, this enhances still further the Price of Bread; for the more Hands any Commodity goes through, before it is purchased by the Consumer, the dearer it must be; and afterwards, if great Care is not taken by the Magistrate to fix the Assize of Bread, the Baker will be under a Temptation to give false Weight: This, Experience shews, is too often the Case; and if the Assize of Bread is not fixt, the poor Consumer hath no Redress.

I have now gone through the principal Reasons which occasion the Dearness of Provisions; I have treated on them but very briefly, because most of them have been mentioned

mentioned by others: I shall now proceed to offer some Methods for the Redress of these Grievances, and the Relief of the Poor, and I am persuaded that if every Rank of Men would in the first Place seek the Good of the Public, there would be very seldom any Reason for Complaints of this Kind; but if every one will study his own private Interest only, and oppose what he thinks detrimental to that, tho' it be evidently for the Good of the Public; if the Legislature itself be biassed by narrow, mean, and selfish Considerations, then the Poor may starve in the Midst of Plenty, and in a Land flowing with Milk and Honey.

The Landlord, when he raises the Rent of his Farms, should have a Regard both to the Rise of other Commodities by the Increase of Gold and Silver, and to the Improvement that is made in his Land, always letting it with very great Advantages to a Tenant that hath already improved it, so that the Tenant may at least share largely with the Landlord the Benefit of his Industry; and if it is let to a new Tenant, it ought to be let at such a Rate that the Tenant may get a moderate Profit by it, such a Profit as would be allowed in another Trade,

which requires a Capital equal to that of the Farmer.

The Farmer should be contented with a moderate Profit, and not with-hold his Provisions from Market when they are dear, in Hopes that they will still be dearer : The Rise of his Rent should in some Measure influence the Price of his Commodities ; but there are other Reasons also, which may be more prevalent in fixing the Prices, which shall be considered afterwards ; all I mean here, is, that a Farmer should be contented with a moderate Profit, and not by any indirect Means endeavour to make an artificial Scarcity.

A Landlord and a Tenant should be as a Patron and Client were among the ancient *Romans* : It reflects Lustre and Dignity upon a Man of large Property, when he lets his Lands at such a Rate, as will enable his Tenants to get a Livelihood suitable to the Value of the Farms they hold : Being a Tenant should give a Man a Claim to his Landlord's Assistance and Protection on the one Hand, and on the other, be a Reason for the Tenant's following his Landlord's Advice in Things he does not understand, and promoting and supporting his Interest on all public

public Occasions, as far as he knows to be consistent with his Duty to God, his King, and his Country : Such a Connection as this would give more Weight and Importance to the Great, than the vain, ill-judged Profusion of Luxury, Dress, and Equipage, and be a Wall of Safety to the Tenant.

On the contrary, when a Landlord refuses to let a Lease of his Land, and raises his Tenant, whenever he sees any Improvement made, all Industry is discouraged ; he is frequently forced to seize for his Rent, his Farms are unoccupied, no Person that can stock a Farm well will chuse to live under him ; his Fences are broken down, his Houses fall to decay, his Tenants, who should be his Supporters, hate him ; their Wives and Children curse him, and all the Weight a large Fortune can give him will only be what proceeds from Fear, which, thank God, in this Country is very small.

I once was going to see a Gentleman at his Lodgings ; when I was enquiring in the Shop whether he was within, three Persons in laced Cloaths came in, and asked the Master of the House, who was a Grocer, for his Vote and Interest for the Lord ———, it being before an Election, which was very

warmly disputed ; the Grocer hesitated, the Gentlemen thinking to prevail upon him the more easily, told him that ———, naming his Landlord would take it as a Favour ; then, said the Grocer, I am determined ; I know neither of the Candidates, and was in Suspence before, but since ——— desires my Vote for Lord ———, I will for that very Reason give it to the other Gentleman : This, I was afterwards informed was the Answer, which many more of the great Man's Tenants sent him.

England was formerly looked upon to be more fit for Pasture than Tillage ; therefore several Acts of Parliament were made for the Encouragement of Tillage, and for obliging every Occupier of Land to plough a certain Quantity of Land ; for this Reason likewise a Bounty was given for the Exportation of Corn ; these were wise Regulations then, but Things are since altered ; the different Manner of Agriculture has occasioned a great Increase of Tillage, and lessened too much the Number of Cattle ; Encouragement ought therefore to be given to the Breeding of Cattle, and Rewards allowed for that Purpose.

Indeed all sublunary Affairs are liable to these Vicissitudes, which ought to be carefully

fully attended to ; the Balance of Power in *England* hath feveral Times changed Hands ; the King and the Barons engrossed it entirely at first, and there were continual Struggles between them which should have the largest Share ; but the Vassal, and Tenant, and Tradesman reaped no Benefit, which ever of the two got the better : *Henry* the Seventh, to render his Nobles less powerful, lessened the Power of the Grandees, and added to that of the People ; by this Means, and by the great Increase of Commerce and Wealth the Commons grew so formidable, that they expelled both the King and the Lords : And in *Rome* the Power, after the Expulsion of Kings, was in the Hands of the Patricians only ; but by Degrees the Plebeians wrested it from them, and got it into their own Hands ; the Consequence was the Establishment of Tyranny in a single Person : The same Thing, it is to be feared, may happen in *England* ; the lowest of the People now think they have a Right to prescribe Laws to King and Parliament, and that every Thing must be granted to the Threats of a Mob. When a Mob first rises, unless the Complaint be very well grounded, it may soon be quelled by a vigorous and prudent Exertion of the Laws ; but
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when it is suffered to get a Head it may become like a Torrent, irresistible, but like a Torrent it is soon dissipated, but perhaps not before it hath done irreparable Mischief, and removed the Marks and ancient Boundaries of Sovereignty into different Channels. The same Changes happen likewise in States, in regard to each other, nor is the Alteration at first perceived. About two hundred Years ago the Object which Statesmen had in their View, was to reduce the exorbitant Power of the House of *Austria*; by Degrees *France* obtained the Superiority; but this Change was not at first perceived by their neighbouring Nations, nor even by themselves; *Cromwell*, though so great a Politician, was not sensible of it, and joined with *France* to weaken the Power of *Spain*, when in sound Policy he ought to have joined with *Spain*: *Charles* the First perceived it, and prepared to obstruct it, but was prevented by his Troubles, which were fomented by the Artifices of that able Minister, Cardinal *Richlieu*, who under Pretence of mediating between the King and Parliament, sent an Ambassador, who secretly blowed up the Coals of Dissention, which kindled a Flame greater than could be at first apprehended, and perhaps

haps than that Court desired : These Fluctuations, both internal and external, require a nice Eye, and elevated Station to discern at first, and should be the Object of Attention to every Statesman, that too great an Alteration may be prevented in Time. This is a Digression, but a thinking Man can hardly avoid making Digressions sometimes,

— *Sic parvis componere magna solebam.*

and perhaps it may not be unpleasing or un-
useful to a Reader. But to return.

'Tis evident that the Stock of Cattle is lessened very much ; perhaps it would be right to forbid the killing of Calves and Lambs for some Time, or at least to lay a Tax upon it : If the Accumulation of Farms cannot be prevented, at least every Farmer should be required to keep a certain Number of Cows, Hogs, Sheep and Poultry, in Proportion to the Ground he holds in every distinct Farm ; but indeed the best Way would be to make a Law against any Man's holding Farms of more than one, or two hundred a Year, especially if at a Distance from each other.

To encourage Men to plough with Oxen would be another excellent Method of increasing

creasing the Number of Black Cattle ; no Meat is better than that which is fatted from the Plough ; the Farmer would soon find his Advantage in it ; an Ox doth not eat half so much as a Horse, if he began ploughing with him at three Years old, he would be in his Prime for the Market when he was six, and if a Farmer kept six Oxen for the Plough, he might contrive to kill two every Year by breeding two Calves, which would be of great Advantage to him : When Men are prejudiced against a Thing, they are not easily convinced of their Error ; therefore it would be extremely right for the Public to give a Reward for some Years to those who did plough with Oxen, till they were accustomed to it : Oxen, it is true, do not plough so fast as Horses, but they can do as much Work in a Day, though it will not be so soon finished ; and they will do as well for drawing in a Waggon as Horses, at least for short Journies, especially if they be yoked two a-breast.

The free Importation of *Irish* Cattle, Butter, and Cheese, would at all Times be very proper ; it is a mean and narrow Way of thinking, and highly prejudicial to the public Good, to contract our Views to our own
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immediate and apparent Interest only; *Ireland* should be looked upon the same as *England*; the Interest of all our Colonies should be considered as our own; this would give Strength and Dignity to the Empire, and *Great-Britain* would be revered by all her Colonies as the common Parent, giving Protection to them when they were in Danger, and distributing the Advantages of the whole Empire, to such Places as might happen to want any Supply or Assistance, while the choicest Blessings of every Kind from all her Colonies would be poured in upon her, as a grateful Tribute from her happy Children; this, and her being the Seat of Empire, from whence her Governors, and Magistrates of Provinces were chosen, would be a sufficient Advantage to her, and make the Majesty of the *British* Empire shine with the brightest Lustre.

Some have thought, that the Prices of Provisions and Corn might be always fixed; but this is impossible, so many Causes concur in making a Plenty or Scarcity of Provisions, that no Law can be made that would not be in many Cases very unjust; a Sickness may happen to the Cattle, or a bad Crop, and can it be supposed that a Farmer, who
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hath lost half his Cattle by a Sickness, can sell the other half at the same Price, as if no such Misfortune had happened; and if there should be a bad Crop in general, and not half the usual Quantity of Corn be produced, can it be expected that he can pay his Rent, and sell his Corn at the same Price as if he had double the Quantity? This would not be expected in any other Commodities, and it should not be desired here. Others have thought, that Farmers should thresh out their Corn and bring it to Market in a limited Time; but this would in many Cases be very prejudicial, and very seldom needful, and where it is, a better Remedy may, I believe, be proposed.

A great Number of Race Horses and Post Chaises, which destroy so many Horses, is a Grievance that ought to be redressed; this occasions a great Consumption of Oats and Beans, which affects the Price of other Grain: I have before observed, that this made the Price of Pasture dearer, and occasioned a great Consumption of Hay. The Morals of the People ought to be the first Care of a wise Legislature; if so, I am sure Horse Races ought to be discouraged; such Morals are there taught, practised, and avowed

ed by Persons of the highest Quality, by the Makers of our Laws, as are contrary to all the Principles of Justice; and when Men have been taught in one Instance to break the Rules of Morality, they will easily be tempted to do it in another, when the Breach is attended with any Advantage; it is then much to be wished, that all Encouragement from the Royal Bounty were withdrawn, and such Restrictions laid upon them as may prevent their being so frequent.

The Dictates of Humanity, as well as Prudence, should engage the Legislature to restrain the Use and Number of Post Chaises; this hath been spoken of before, when the Reasons of the Scarcity of Pasture were treated of; but I cannot help mentioning it again; a Horse is, next to a Man, the noblest Animal we have; in Post Chaises they live not half their Time, and whilst they do live, their Life is one continual Scene of Pain and Misery.

I cannot think it would be right to forbid the Exportation of Horses; to preserve a good Breed of Horses should certainly be encouraged; but this might be done without having so many Race Horses, or any Post Chaises; and if Foreigners will buy our Horses,

Horses, they pay a large Price for them, and that is a Benefit to the Public.

Some have proposed public Magazines; this might be useful, but when Corn is dear, it is not the Time to fill them; and when it is cheap, I believe it will never be thought of; and besides there is a great Danger that it would be made a Job, and then all the public Utility would be lost.

A Power should always be vested in the Crown during the Recess of Parliament, and for twenty Days after their Meeting, to put a Stop to the Distillery, and to the Exportation of Corn when it is dear; nor ought there any Bounty to be given for exporting it, when it is any more than eight Pounds a Load. At this Time when *France* complains so much of the Scarcity of Corn, no Bounty should be allowed, and indeed the Exportation of it should be prohibited till we are certain how the last Crop will turn out, and see what Prospect there is of the next. It is surely very reasonable, that the Poor who have suffered so severely for some Years past, should now reap some Benefit from the Plenty which God hath bestowed upon us.

When it is twelve Pounds a Load, and when any Farmer keeps his Corn above a Year,

Year, or buys Corn of another Farmer to put into his Barn or Granary; or if any Merchant imports any Corn from Abroad, and puts it into any Granary or Warehouse, and keeps it there more than one Month without bringing it to Market, such Farmer or Merchant should pay a Tax for every Week or Month they keep the Corn.

No Bounty should be given for Exportation of Corn which was before imported.

Millers should be prohibited from buying or selling of Corn or Flour; the great Profit that the Miller makes, is evident from the Fortunes they soon acquire; their Methods of heightening and keeping up the Price of Flour, are very detrimental to the Poor.

There are Laws now in being which prohibit Millers to be common Buyers of any Corn, to sell the same again either in Corn or Meal; but these Laws have been neglected, and therefore ought to be renewed again: But if Millers be prohibited to buy or sell Corn, they would, if not prevented by a Law, pull down or refuse to work their Mills, which ought to be guarded against; and to prevent their having any Pretence to buy or sell Corn, a suitable Reward should be

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settled, to be paid in Money, in Proportion to the Price of Corn.

It would likewise be greatly to the Advantage of the Poor, if the Justices of the Peace would fix the Assize of Bread once a Month : By the Laws now in being the Mayor, or Chief Magistrate, and where there are none such, two Justices shall from Time to Time set the Assize and Weight of Bread, having Regard to the Price of the Grain, and making reasonable Allowance to the Bakers, which shall be set in Averdupois, and not Troy Weight ; but Laws not put in Execution can have no Effect ; and therefore these Laws should be revived, and the Magistrates themselves made punishable for Neglect of Duty, in not seeing them duly enforced.

The additional Duties upon Malt and Beer are very grievous and iniquitous Oppressions ; the first affects principally the middle and poor Sort of People, the last almost only the Poor ; the Rich are in a Manner exempted from both, this is surely unjust ; every Penny that is laid upon any Commodity, costs the Consumer two, and besides when Provisions are taxed, it is a strong Temptation to adulterate them ; it were therefore to be wished, that

that no Tax was laid upon Provisions at all, only upon such as a too free Use would endanger the Health of the People, as spirituous Liquors. But the fatal and pernicious Consequences of these Taxes begin now to appear in the most dreadful Manner. I am credibly informed, that the Produce of the Duty upon Malt is diminished and not augmented since this additional Tax, and that the Produce of the Duty of Geneva and other spirituous Liquors, is very near as much as it was in the Year before it was prohibited or restrained. The lessening of the Produce of the Duty upon Malt, may partly proceed from the increasing Luxury of the Times: Many who were formerly contented with Ale and Beer, will now have Wine and Punch; but the principal Cause of this Diminution is the immoderate Use of spirituous Liquors, which now begins to prevail amongst the lower Sort of People. I am well assured from what I can observe myself, and from the strictest Enquiry I have made of others, that many of the lowest Class of People, instead of brewing or buying Beer for themselves and Families, destroy themselves with Gin: By which they are in such a frequent State of Intoxication,

that their Business is neglected and their Health impaired, and their Families languish at Home upon Bread and Water. If therefore those who preside at the Helm have any Regard for the Health and Morals of the People, they will lower the Duties upon Malt and Beer, and increase those upon Gin and spirituous Liquors. What must a considering Man think of the State of that Nation, where Adultery and Divorces are become so frequent among the Great, that they are practised without Punishment, Shame, or Remorse, and beheld without Detestation or Reproach? Where Intemperance and Drunkenness are encouraged, nay obtruded upon the Poor, by inhancing the Price of those salutary Liquors to which they were accustomed, so as to make them beyond their Purchase, and making the Price of spirituous Liquors so low, that they can easily intoxicate themselves with them at a small Expence? Where the Mob is become so insolent, that they would controul the King and Parliament, and justify and applaud him who hath been convicted of publishing Sedition and Blasphemy; and are so frequently in the worst and most furious State of Inebriation, as to be ready to attempt the
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most atrocious Villainies that their wicked and audacious Leaders will propose? It doth not require the Spirit of Prophecy to foretell that dreadful Calamities and speedy Ruin are ready to fall on this Nation, unless prevented by a speedy and effectual Reformation of our Morals, and restoring a due Submission and Veneration to the Laws. Perhaps a Capitation Tax would be much better than the above-mentioned additional Taxes on Malt and Beer, which would bring all the Money in nett to the Public, and the People would pay no more than what was actually paid into the Treasury: But even here the Poor should be greatly favoured, if not totally exempted. Perhaps it would be a very useful Regulation to the Public, if no Freeholder was permitted to vote at Elections, who had not a Freehold of at least ten Pounds a Year; and that no Man should vote in Elections for Cities, Towns, or Boroughs, who did not rent at least ten Pounds a Year, or could not swear that he was worth at least three hundred Pounds; but then in Return for this the Poor should be exempted from all Taxes upon the Necessaries of Life, produced in *England*, except spirituous Liquors: This would be more agreeable to our ancient

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Constitution; for when forty Shillings a Year was made a Qualification for a Vote, it would go further than twenty Pounds will now: By this indeed the Poor, being deprived of a Voice at Elections, could not be so riotous, but they would be more happy.

It was a noble Saying of *Henry* the Fourth of *France*, that he hoped to see the Day when every Peasant in his Kingdom had a Capon for his Dinner on *Sunday*; but there are among us some, who have openly declared, that eight Pence a Day is sufficient for a common Man; and that is enough for him, if he and his Family can have Bread and Water, while they have Riches which cannot be told, and yet are never satisfied with their Wealth, but are continually grinding the Face of the Poor, oppressing their Tenants, and adding Field to Field: May all such perish and their Wealth with them! May it be the constant Care of the *British* Legislature to endeavour to make the Life of the Poor as comfortable and easy, as is consistent with the Ends of Government, and the Exercise and Promotion of Industry!

After all it must be confessed, that tho' the Poor may feel the Grievances, and a Man in a middle Station of Life may propose Remedies,

medies, yet it requires an elevated Situation, where a Prospect may be taken on every Side, to be able to judge whether the Grievances can be removed, or the Remedies proposed can be applied ; the Necessities of the State may make some heavy Taxes unavoidable, and the Prejudices and Ill-humour of the People may make some Reformation for the present imprudent ; when it so happens, a good Citizen may feel the Hardships he labours under, and may propose such Methods as seem to him the most likely to remove them ; but still he ought to propose them with Modesty, and with a due Deference to the Judgment of his Superiors, and to submit with Patience to those Hardships, for which the Necessity or Perverseness of the Times will not admit a Remedy.

The last Method I shall propose, is the inclosing of Commons and Heath Grounds ; this hath been done very largely of late in *England* ; but I cannot but observe, the Interest of the Poor hath been too much neglected and overlooked ; the Interest of the Lord of the Manor, and of the several Landholders is minutely considered, and taken Care of, but the poor Cottager over-looked ; he is deprived of the Benefit of keeping a
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Cow, and perhaps a few Sheep, without having any Compensation made to him ; it must be owned, that these Inclosures were a Benefit to the Public in general, but still the Interest of the Poor was entirely neglected ; it were to be wished, that some Attention should be paid to that in all future Inclosures ; suppose some certain Quantity of Ground should be reserved for Pasturage, or a certain Number of Fields of five Acres each should be given to the poor Parishioners, Fathers of Families, resident in the Parish.

But what I would propose here, is this, that in every Parish in *England*, where there is any Heath or Common Ground, and no Endowment for a Charity School, forty Acres of it should be inclosed, first at the Expence of the Parish, five and twenty for a Boy's School, and fifteen for a Girl's, where the Boys are to be taught Reading, Writing, and Arithmetic, and the Girls sewing and reading ; and a Schoolmaster and Mistress to be chosen by the Minister, and the Parishioners ; but to be removed upon any Neglect of Duty, or Immorality of Life, upon a Complaint made, and proved, before the Bishop or Archdeacon, at the Visitation,

or before three Justices of the Peace, in a summary Way: And if there was a great Quantity of Heath Ground in the Parish, and the Living under seventy Pounds a Year, suppose there were thirty more inclosed for the Augmentation of the Living; but if Ground enough for both could not be inclosed, then I think the School should be preferred; the Minister certainly must have some Income, though perhaps not sufficient for his Station; and the Cause of Religion and Virtue is promoted in the Schools, if properly directed.

Some have objected to Charity Schools, and say, they make them that are bred at them saucy, and insolent, and unfit for Service, that Ignorance best suits the lowest Class of People; that sometimes they, that are bred at these Schools, raise themselves to a Degree above their Benefactors, and that is intolerable.

But I think these Objections are either false or frivolous; it is not true that Reading and Writing will disqualify Persons from being good Servants, or from doing their Duty in a mean Station in Life, especially where the Accomplishments are universal, as they would be made by this Scheme.

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Ignorance is much more likely to make the Poor saucy, barbarous, and dishonest; there is nothing in the Gospel, the Book generally learnt by Children, to encourage Pride and Dishonesty, but the contrary, if duly explained and inculcated upon their tender Minds: As a Proof of this, let us take a View of the lower Class of People in *Ireland* and *Scotland*: In *Ireland* few of that Class are taught to read, and where are there more ignorant and savage, more saucy and impudent Servants than among the *Irish*? But where are there more humble, and more submissive and tractable Servants than in *Scotland*, where there are parochial Schools, and every Person is taught to read and write? I would not be thought to make any national Reflection, far from it; I only advance this as a Proof, that Ignorance doth not make a good Servant, nor Reading a bad one; the Accomplishments of the *Irish* Gentlemen sufficiently shew, that it is not the Country, but the Want of Education, that is the Cause of the Ferocity of their common People.

As for the other Objection, that Children taught in Charity Schools may sometimes advance themselves to a higher Station than their Benefactors; this sure to a benevolent Mind:

Mind would be no Objection, but on the contrary is a strong Argument in their Favour; a great Genius may be for ever buried, which if taught to read, might have emerged from Obscurity, and been greatly serviceable to the World; and if a Benefactor knew, that a small Assistance would enable a poor Lad to advance himself in Business to a Station, even superior to his Benefactor's, should Envy prevent, or Goodnature promote this Event? I am sure the Christian Religion, which every where promotes a Spirit of universal Benevolence, and teaches us to love our Neighbour as ourselves, and rejoice in the Good and Prosperity of others, clearly decides the Point.

If it be objected, that this is an Invasion of the Property of the Lord of the Manor, the Copyholders, and the Cottagers, let it be considered on the other Hand, that the Copyholders and Cottagers have a sufficient Recompence made to them by having the Advantage of a School, where their Children may be taught to read, write, and sew, and the Lord of the Manor seldom reaps any great Advantage himself from a Common, while it continues a Common; and it is to be hoped, that most Gentlemen
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of Fortune would take a Pleasure in seeing the Children of their poor Neighbours instructed in the Foundation of Learning, which may sometimes be raised to very great Heights.

But should this Scheme take place, Care must be taken to oblige the Masters and Mistresses strictly to do their Duty. There are many Endowments of this Kind left, in which he who is chosen Master does nothing but take his Money; instead of inviting Scholars to his School, he does what he can to fright them from it, or if they will come, neglects them so much that they get no Benefit by coming; it were to be wished, that a Commission was taken out in every County, to enquire what Estates were left for charitable Uses, and whether they were applied according to the Intention of the Testators; such an Enquiry would be of great Use to the Poor, and perhaps might be made of Service to the Public.

F I N I S.



